

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13335 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.1 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha (for short “BNSS”) seeking regular bail in Crime No.58 of 2024 on the file of Excise Police Station, Nampally, Hyderabad registered for the offences punishable under Sections 8(c) read with 20 (b) (ii) (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution in brief was that on 15.08.2024 at 1:48 P.M., the Prohibition and Excise Sub-Inspector and staff of A.C. Enforcement, Hyderabad conducted route watch at Bhole Sahib Maqta road near Kirtilal Jewellers beside Panjagutta Flyover, Nampally, Hyderabad, and found Accused No.3 selling Weed Oil to Accused Nos.1 and 2. On seeing the police, A-3 fled away. They caught hold A-1 and A-2 and recorded the confession cum seizure panchanama and seized the said contraband i.e. 1.5 kgs of Weed Oil along with one Bajaj Pulsar vehicle bearing registration No.AP-35-J-

2838 and one Honda Dio vehicle bearing registration No.TS-08-JQ-0881 and three mobile phones of the accused.

3. Heard Sri A.Chandra Shaker, learned counsel for the petitioner - Accused No.1 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner - Accused No.1 submitted that the petitioner was innocent. He had not committed any offence and he was not in possession of the said contraband. The only allegation against him was that A3 was trying to sell the Weed Oil to him. The petitioner was in custody since 15.08.2024 i.e. for the past 86 days. The provisions of NDPS Act under Sections 42 and 50 were not complied with by the police and prayed to enlarge the petitioner - Accused No.1 on bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner, but however, reported that there were no criminal antecedents against the petitioner.

6. Perused the record.

7. Considering the submissions of both the learned counsel,

as the petitioner was in custody since 15.08.2024 and the contraband was not purchased by him by the date of his arrest and no criminal antecedents were recorded against him, it is considered fit to enlarge the petitioner on bail.

8. In the result, the Criminal Petition is allowed directing the petitioner – Accused No.1 to be released on regular bail subject to the following conditions:

- i) The petitioner – Accused No.1 shall execute a personal bond for a sum of Rs.20,000/- (Rupees Twenty thousand only) with two sureties for a like sum each to the satisfaction of the I Additional Sessions Judge at Nampally, Hyderabad.
- ii) The petitioner - Accused No.1 shall abide by the conditions stipulated in Section 480 (3) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

Miscellaneous applications, pending if any, shall stand closed.

Date: 8th November, 2024
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Dr. G.RADHA RANI, J

THE HONOURABLE DR.JUSTICE G.RADHA RANI

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Dated 08.11.2024

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