

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13520 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.2 in COR.No.139 of 2024 of Prohibition and Excise Police Station, Serilingampally, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 06.10.2024, at 12:10 pm, the STF Hyderabad Team D conducted raids at KMG P.G. Hostel, Block B, Sri Ram Nagar, Kondapur, Serilingampally Mandal, Ranga Reddy District, based on credible information. The raid led to the detection of a case involving illegal possession and sale of ganja and MDMA. Seized items included 650 grams of dry ganja, 2.14 grams of MDMA, a black Yamaha vehicle, and mobile phones belonging to three accused individuals (A2, A3, A4). The suspects were taken into custody, and contraband items were seized under panchanama. Thereafter, a case was registered under COR.No.139 of 2024, with accused No.1 absconding. Investigation revealed that A2, A3, and A4 committed offenses

punishable under Sections 8(c) 22(b) and 8(c) 22(b)(ii)(A) of the NDPS Act, 1975.

3. Heard Sri Narshimulu, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioner submitted that he was falsely implicated, and no contraband was seized from his possession, with improper seizure procedures followed. He further submitted that the non-commercial quantity of seized substances (2.14g MDMA and 0.65kg dry ganja), the court grants bail, citing inapplicability of Section 37 of the NDPS Act. As per **Bikka Parvathi v. State**, bail is granted on certain conditions, considering the lack of commercial quantity and absence of tampering concerns. Therefore, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the investigation is not yet completed, therefore, granting of bail to the petitioner at this stage, does

not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the learned counsel and reviewing the record, the involvement of the petitioner in NDPS, seizure of 0.65 kg dry ganja (small quantity) and 2.14g MDMA (intermediate quantity), and incarceration exceeding 30 days, this Court deems it fit to grant bail to the petitioner subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the learned Special Judicial Magistrate of First Class Excise Ranga Reddy District-cum-V Additional Judicial Magistrate of First Class-cum-V Additional Junior Civil Judge, Ranga Reddy District at L.B. Nagar.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.

iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 12.11.2024
SAI

42

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