THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13659 OF 2024

O R D E R:

This Criminal Petition is filed by the petitioner – Accused No.4 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha (for short "BNSS") seeking regular bail in Crime No.241 of 2024 on the file of Prohibition and Excise Police Station, Dhoolpet, 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 06.09.2024 at 12.20 PM, LW-1, Prohibition & Excise Sub-Inspector, Prohibition & Excise Station, Dhoolpet, Hyderabad, received reliable information regarding possession and sale of ganja in House No.13-6-438/A/178/1, situated at Satyanarayana Nagar, Gudi Malkapur, Hyderabad, and along with his staff raided the said house. They found accused Nos.1 to 3 in the said house and seized 29.630 Kgs., of ganja found in a black polythene cover under the cover of panchanama. Accused No.1 confessed that his vehicle, which was parked outside the house, contained 2 Kgs., of dry ganja bundle,

which was kept for delivery to Sheela Bai (the petitioner herein). Basing on the confession of A-1, the Police arrested the petitioner-A4 on 22.10.2024 at 1:55 PM and produced her before the Court.

3. Heard learned counsel for the petitioner - Accused No.4 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner - Accused No.4 submitted that the petitioner was falsely implicated in the above case. She was in judicial custody since 22.10.2024. No contraband was seized from her possession and prayed to grant bail to the petitioner - Accused No.4.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the petitioner was involved in another three cases in Crime Nos.46 of 2017, 45 of 2019 and 390 of 2020 of similar nature of Prohibition and Excise Police Station, Dhoolpet. If the petitioner was enlarged on bail, she would resume sales of ganja.

6. Learned counsel for the petitioner submitted that the petitioner was acquitted in NDPS Sessions Case.No.23 of 2020 arising out of Crime No.46 of 2017 of PS Excise, Dhoolpet, Hyderabad.

7. Considering that no contraband was seized from the possession of the petitioner at the time of her arrest on 22.10.2024 and the allegations made against her were only that A-1 confessed that he was about to deliver 2 Kgs., of dry ganja to the petitioner herein which would not amount to any offence committed by her at that stage and as the petitioner was also acquitted in Crime No.46 of 2017 by the Metropolitan Sessions Judge, Hyderabad after a full-fledged trial, it is considered a fit case for granting regular bail to the petitioner.

8. In the result, the Criminal Petition is allowed directing the petitioner - Accused No.4 to be released on regular bail subject to the following conditions:

> i) The petitioner – Accused No.4 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty thousand only) with two sureties for a like sum each to the satisfaction of the I Additional Chief Judicial Magistrate, Nampally, Hyderabad.
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> ii) The petitioner - Accused No.4 shall abide by the conditions stipulated in Section 480 (3) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date: 27th November, 2024
BB/SPK