

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.394 of 2025

ORAL ORDER:

The present Criminal Petition is filed praying this Court to enlarge the petitioner who is arrayed as accused No.2 in Crime No.1345 of 2024 before the Kukatpally Police Station, on bail.

2. The brief facts of the case are that on 22-10-2024, at 20:30 hours, the Sub Inspector of Police seized contraband of Hashish oil, a narcotic drug, and material evidence, while producing three accused persons. Prior to the seizure, the Sub Inspector received credible information at 16:00 hours regarding three individuals suspected to be in illegal possession of Hashish Oil, who were likely to board a bus near Moosapet (L&T) Metro Station towards Maharashtra. Following standard procedure, the Sub Inspector documented the information, informed his superior, and secured two respectable panchas and the Division Clues Team to witness the search and subsequent proceedings. Thereafter, case was registered against the petitioner for his alleged involvement

and for the offences punishable under Sections 8(c) read with 20(b) (ii) (c) and 29 of the NDPS Act. Aggrieved thereby, this criminal petition is filed.

3. Heard Mr.Ravuri Sai Sumanth, learned counsel for petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner/accused A-2 is innocent and has been falsely implicated in the case. He contended that the search and seizure procedure was vitiated by inherent procedural impropriety, and the mandatory provisions of law were not followed, casting serious doubt on the investigation. He asserted that the petitioner has been in judicial custody since the investigation was completed, and that he has no criminal antecedents. Therefore, prayed this Court to grant bail to the petitioner by allowing this Criminal Petition.

5. Learned Additional Public Prosecutor vehemently opposed the submissions made by learned counsel for petitioner and submitted that there are serious allegations

against the petitioner which would directly connect him to the issue of ordering 1kg of hashish oil which is a commercial quantity. Therefore, prayed this Court to dismiss the Criminal Petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the petitioner is accused No.2 in the case and the contraband seized by the Police is 1kg of hashish oil. As per Section 2 of the NDPS Act, *"commercial quantity", in relation to narcotic drugs and psychotropic substances, means any quantity greater than the quantity specified by the Central Government by notification in the Official Gazette;* and in the official gazette the quantity is specified as 1kg. That being so, as per the definition of commercial quantity, the seized contraband does not come under commercial quantity. Further, petitioner is in jail from the last three months. Considering the period of incarceration of petitioner in jail and the fact that the material investigation is already completed, this Court deems it fit to grant bail to the petitioner, subject to following the below 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 I Additional Metropolitan Sessions Judge, Medchal Malkajgiri, at Kushaiguda.
- 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 482(2) of BNSS (previously known as 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: 10.02.2025
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