

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION NO.293 OF 2025

ORDER

This criminal petition is filed by the petitioner/A.4 seeking bail in connection with Crime No.444 of 2023 of Bachupally Police Station, Cyberabad Commissionerate, Medchal-Malkajgiri District. The offences alleged against the petitioner are under Sections 20 (b) (ii) (C) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 21.07.2023, on reliable information that some persons are possessing Hash oil who are coming from Bachupally, immediately, they conducted vehicle check and stopped the car bearing No.TS 13 ES 7113 in which three persons were found i.e., A.1 to A.3 and seized 1150 grams of Hash oil from their possession. The police arrayed the petitioner as A.4 in this crime. Basing on the complaint, the present crime is registered against the accused.

3. Heard Sri K.Vijaya Bhaskar, learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the respondent-State.

4. The contention of learned counsel for the petitioner is that petitioner is innocent of the said offence and no hash oil was seized from the petitioner, it is invented by the police only to implicate the petitioner in this false case. Originally the hash oil is 7.5 grams, whereas it is calculated as 1150 grams to bring it to the commercial quantity. Further, the petitioner herein in connection with another crime of Annavaram Police station, has filed Crl.P.No.9061 of 2024 before the High Court of Andhra Pradesh, wherein the said petition was allowed granting bail to the petitioner, but however, on execution of P.T.Warrant, still petitioner is in judicial custody. As such, requested this Court to grant bail to the petitioner.

5. On the other hand, the learned Additional Public Prosecutor opposed bail on the ground that the seized contraband is a commercial quantity and as per Section 37 of the NDPS Act, petitioner is not entitled for bail.

6. Considering the submissions of both the counsel and the material on record, it is seen that A.1 to A.3 in this case were arrested on 21.07.2023 and the petitioner herein was produced on P.T.Warrant on 09.12.2024 and no charge sheet is filed till today. Therefore, 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 I-Additional District and Sessions Judge, Medchal-Malkajgiri District 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 :20.01.2025
Rds

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION NO.293 OF 2025

DATE : 20.01.2025

Rds

