

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.539 of 2025

ORDER:

The present Criminal Petition is filed praying this Court to enlarge the petitioner who is arrayed as accused No.2 in FIR No.515 of 2024 before the Bowenpally Police Station, Hyderabad District, on bail.

2. The brief facts of the case are that on 25.08.2024, at 2330 hours, Sub-Inspector of Police V. Siva Shankar received credible information that three individuals would be transporting Amphetamine drugs from Jinnaram in a Mahendra Xylo vehicle. Believing the information to be true, Shankar documented it and sent it to his superior Officer. He then requested the Clues team to report to the police station to videograph the proceedings. Two panchas, Bheemavarapu Praveen Kumar and Repakula Sai Krishna, were appointed to witness the search and seizure. The police subsequently arrested the petitioner and registered a case under the NDPS Act.

3. Heard Sri Akkam Eshwar, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent - State.

4. Learned counsel for the petitioner submitted that the petitioner, a licensed transporter, transports toddy from tappers to licensed cooperative societies. He further submitted that the police registered an FIR under the Telangana Excise Act, alleging that the toddy seized from the vehicle of the petitioner contained Amonium Bicarbonate and Alprazolam. The petitioner cooperated with the investigation, but the Police now threaten to add charges under the NDPS Act and arrested him. He further submitted that the petitioner cannot be held liable for the contents of the toddy. Since no quantity of intoxicant was mentioned, the offence would only fall under a lesser section of the NDPS Act, punishable for a period of one year imprisonment. Therefore, he prayed the Court to grant pre-arrest 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 allegations leveled against the petitioner are serious in nature. If the petitioner is released on pre-arrest bail, at this stage, he may tamper with the evidence and may threaten the witnesses. Therefore, he prayed the 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 most part of the investigation in the case is completed and the petitioner is not having any criminal antecedents. Further, the petitioner is in judicial custody since 25.08.2024, considering the same, 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 XI Additional Chief Metropolitan Magistrate, at Secunderabad.
- 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: 29.01.2025
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