

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.849 of 2025

ORDER:

The present Criminal Petition is filed praying this Court to enlarge the petitioner who is arrayed as accused No.3 in Crime No.42 of 2024 before the Prohibition and Excise Station, Narayanguda, Hyderabad, on bail.

2. The brief facts of the case are that on 17.12.2024, at approximately 7:15 P.M., the Prohibition and Excise Inspector of STF C-Team Hyderabad conducted a raid in front of Saibaba Temple Lane beside Victoria Ground, Chaderghat, Hyderabad, and allegedly found petitioner and A1, A2 and A3 in possession of 20.5 kilograms of ganja, which was reportedly brought from accused A5 and A7. It was confessed that the ganja was being transported from the Orissa border to Hyderabad under the instructions of A7 and A8. Based on the seizure, a case was registered under Crime No. 42 of 2024 at the Prohibition & Excise Station Narayanaguda, Hyderabad, under sections 8(c) and 20(b)(ii)(C) of the NDPS Act, 1985. The petitioner was arrested and remanded to judicial custody.

3. Heard Mr. Ch Ravinder, 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 petitioner is an innocent person who has been falsely implicated in the case and that the same is not admissible in law. He contended that the petitioner is not connected to the seized ganja, which was found in the possession of Accused Nos. 1 and 2, and that the implication of petitioner is solely based on the confession of a co-accused without any material evidence. He lamented that the police did not comply with the mandatory conditions under the NDPS Act during the search and seizure, and that the release of petitioner will not prejudice the case of prosecution. He asserted that the petitioner has a fixed address, properties, and a family to support, and that his continued detention is causing hardship. 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 A1 to A4, including petitioner/A3 were found in possession of 20.5 kilograms of ganja, which was reportedly brought from accused A5 and A7, and that it was confessed that the ganja was being transported from the Orissa border to Hyderabad under the instructions of A7 and A8. He contended that if the relief of bail is granted to petitioner, there is every possibility of him committing similar offences. 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 allegations leveled against the petitioner are that he along with other accused procured 20.5 kilograms of ganja which was reportedly brought from accused A5 and A7. As seen from the record, material part of the investigation is completed. 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 II Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

- 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: 07.02.2025
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