

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION NO.1674 of 2025

ORDER:

This criminal petition is filed by the petitioner/accused No.2 seeking bail in connection with Crime No.106 of 2024 of Chirgally Police Station, Sangareddy District. The offences alleged against the petitioner are under Sections 8 (c) r/w. Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on September 9, 2024, at 12:00 hours, a police officer received credible information that two individuals were illegally transporting dry ganja in a white Mahindra Bolero vehicle. Believing the information to be true, the officer informed his superior officer under Section 42(2) of the NDPS Act-1985, made a General Diary entry, and sent the information in writing. The vehicle was seized and upon verification, its contents - flowers and leaves with a pungent smell - were found to be marijuana/hashish or dry ganja after testing.

3. Heard Sri L. Sai Kumar Yadav, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent.

4. The contention of learned counsel for the petitioner is that petitioner is innocent of the alleged offences and has been falsely implicated in a case involving the transportation of contraband. He further submitted that the petitioner was unaware of the contents of the vehicle and was merely performing his duty and that the investigation agency failed to follow mandatory provisions under the NDPS Act, including sections 42 and 50, rendering the search and seizure illegal. He contended that the confessional statements of the petitioner have no evidential value and that the investigation agency made procedural lapses throughout the case. As such, prayed this Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand the learned Additional Public Prosecutor opposed bail on the ground that the investigation is still at initial stage and further, there are serious allegations against the petitioner and two other cases are also pending. Therefore, he prayed this Court to dismiss this petition.

6. In the light of the submissions made by both the learned counsel and a perusal of the material available on record, the sole contention of the learned counsel for the petitioner is that, petitioner is innocent and falsely implicated in this case. The petitioner has been incarcerated since 10.09.2024. As the material

part of the investigation is completed and considering the facts and circumstances of the case, 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 the learned First Class Magistrate, Zaheera.
- 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 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: 18.02.2025
SAI

THE HONOURABLE SMT JUSTICE K. SUJANA

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