

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.2081 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused No.4 in Crime No.216 of 2024 before the Kodangal Police Station, Vikarabad District.

2. The case of the prosecution in brief was that on 07.11.2024 at 05.00 hours while the Sub Inspector of Police of Kodangal Police Station along with his staff was conducting vehicle checking at Ambedkar X Roads, he found a white car bearing No.KA 28 D 4827 proceeding from Tandoor road towards Ravulapally. When the police asked to stop the vehicle, it was not stopped. As such, they chased the said vehicle and stopped it on NH-163 road near Chitlapally Kaman and on checking the car, they found a white polythene bag in the boot of the car and it contained light yellow crystal like substance. On enquiry with accused No.1, who was driving the car, he stated that it was chloral hydrate (CH) and

he was mixing it in toddy and he brought it from one Nagesh Goud (accused No.2) and Meghanath Goud (accused No.4). The police seized 10 kgs., of chloral hydrate from A1. Thereafter, the police also apprehended accused Nos.2 and 3 on the same day and seized 5 kgs., of chloral hydrate each from A2 and A3. On enquiry, accused No.2 stated that he purchased the chloral hydrate (CH) from accused No.3 and accused No.3 stated that he purchased the same from accused Nos.5 and 6 (who were none other than the brothers of A2). Accused Nos.1 to 3 were arrested on 07.11.2024 and remanded to judicial custody. It is further stated that accused Nos.5 and 6 were already granted anticipatory bail by this Court.

3. Heard Sri K. Venumadhav, the learned counsel for the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner never committed the alleged offence, the police included his name even though there was no material against him to prosecute. No case was made out against the

petitioner to attract the offences under Sections 34(a) of TS Excise Act and Section 123 of BNS, and prayed to enlarge the petitioner on anticipatory bail.

5. Learned Assistant Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that allegations leveled against the petitioner are serious in nature. At this stage, granting of pre-arrest bail to the petitioner does not arise. Therefore, he prayed the Court to dismiss the criminal petition.

6. Considering the remand case diary of accused Nos.1 to 3 wherein the role of the present petitioner was stated to be the supplier of chloral hydrate (CH) to accused No.3, who inturn supplied to accused No.2, considering the anticipatory bail granted to accused Nos.5 and 6 by this Court, and as no criminal antecedents were reported against the petitioner, it is considered a fit case for grant of anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Kodangal Police Station, Vikarabad, within two

weeks from today, and on such surrender, the said Station House Officer shall release her on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.
- iii. The petitioner shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

Date: 25.02.2025
SAI

K. SUJANA, J

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