

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 2465 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused No.5, seeking bail in Crime No.483 of 2024 of Afzalgunj Police Station, Hyderabad, for the offence punishable under Section 8(c) read with Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, 'NDPS Act').

2. Heard Mr. S.Chadrashekhar Yadav, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 29.10.2024, at about 20-00 hours, on credible information, the Sub-Inspector of Police, Afzalgunj Police Station, Hyderabad along with staff proceeded towards CBS, near TGSRTC Cargo, Hyderabad and apprehended accused Nos.1 and 2 in suspicious circumstances and seized 52 grams of MDMA from the possession of accused No.1 and seized 54 grams of MDMA from the possession of accused No.2 (total 106 grams of MDMA drug). The police have

recorded their confession, where under the involvement of accused Nos.3 to 6, including the petitioner/accused No.5, has come to light. The Police registered the case in Cr.No.483 of 2024 of Afzalgunj Police Station, Hyderabad for the offence under Section 8(c) read with Section 22(c) of NDPS Act and investigated into the matter.

4. Learned counsel for the petitioner submitted that the petitioner is innocent person and he did not commit any offence, as alleged against him, and he was falsely implicated in this crime. He further submitted that entire allegations are levelled against accused Nos.1 and 2 and the contraband was also seized from them. Basing upon their confessional statement, the petitioner was impleaded in this case as accused No.5 and the police have not seized any contraband from the petitioner.

5. He further submitted that the petitioner is arrested on 01.11.2024 and since then he is in judicial custody. He also submitted that entire investigation is completed except filing of charge sheet. He further submitted that the petitioner is ready and willing to cooperate with the investigation and will abide by the conditions, which are going to be imposed by this Court. Therefore, he prays to release the petitioner on bail.

6. On the other hand, learned Additional Public Prosecutor opposed the bail stating that the petitioner is involved in a grave offence, which is punishable under the provisions of NDPS Act and the investigation is under progress. At this stage, the petitioner is not entitled for grant of bail.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner is made as an accused No.5 in the present crime and he was arrested on 01.11.2024 and since then he is in judicial custody. According to the learned counsel for the petitioner, material part of the investigation is completed except filing of charge sheet. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.5 subject to the following conditions:

- i) The petitioner/accused No.5 is enlarged on bail on his executing a personal bond for a sum of Rs.30,000/- (Rupees Thirty Thousand only) with two sureties for a like sum each to the satisfaction of the II Addl. Chief Judicial Magistrate, Nampally, Hyderabad.
- ii) The petitioner/accused No.5 shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of eight weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.

- iii) The petitioner/accused No.5 shall abide by the conditions stipulated under Section 437(3) of Cr.P.C. (presently 480(3) of BNSS).
- iv) After release, if the petitioner is involved in similar offences, the bail granted by this Court shall stand cancelled.

8. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 21.03.2025
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