

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.2413 of 2025

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.3 in Crime No.488 of 2024 of Sanathnagar Police Station, Cyberabad Commissionerate, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 02.07.2024, the complainant, a police officer, received credible information that two individuals, Adapureddi Kishore and Kattamma Reddy Suresh Kumar, would be possessing Hash Oil near Bharath Par Bus stop. Believing the information, the complainant made a GD entry and informed his superior officer. He then arranged for panchas and a Clues team to accompany him to the spot. Upon arrival, they apprehended the two individuals, who confessed to possessing 2 liters of Hash Oil, weighing 2.475 kg, which they had purchased from Odisha for Rs. 1 lakh. The complainant seized the Hash Oil, mobile phones, and cash, and the entire procedure was

videographed. The accused were brought to the police station for further action.

3. Heard Sri K. Vijaya Bhaskar, learned counsel appearing on behalf the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioner submitted that the petitioner was arrested and charged under the Narcotic Drugs and Psychotropic Substances Act, 1985, without any evidence of Hash Oil being seized from him. The alleged seizure was based on confessional statements of other accused, and the petitioner has been in judicial custody since July 22, 2024. The panchanama, a document recording the seizure, appears to be fabricated, and the police did not follow proper procedures. Therefore, he prayed the Court to grant 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. Further, the investigation is not yet completed. At this stage, granting of bail to the

petitioner does not arise. Therefore, he prayed the Court to dismiss the criminal petition.

6. In light of the submissions made by both the learned counsel and upon a perusal of the material available on record, it appears that the petitioner has been in jail since 22.07.2024 in connection with Crime No.1012 of 2024. The present FIR was registered on 02.07.2024, whereas the petitioner was taken into judicial custody on 28.10.2024. Although the petitioner has been in judicial custody since 22.07.2024, as of today, the charge sheet has not been filed by the Investigating Agency. As seen from the record, a substantial part of the investigation has been completed. Considering the facts and circumstances of the case, as well as the petitioner's incarceration, 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 I

Additional Sessions Judge, Medchal-
Malkajgiri District at Kushaiguda.

- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) week or till filing of charge sheet whichever is earlier, 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. (presently, Section 480(3) of the BNSS).

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 06.03.2025
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