

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.2907 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to, as 'BNSS') seeking bail to the petitioner/accused No.6 in C.O.R.No.234 of 2024 of Prohibition and Excise Station, Dhoolpet, registered for the offence under Section 8(c) read with 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

2. Heard Mr. A. Prabhakar Rao, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent – State.

3. The brief facts of the case are that on 20.08.2024, at 12.57 p.m., the Dhoolpet Excise Police, on reliable information about transporting Ganja, were checking the vehicles and on search, they found total 20.800 kgs of dry ganja from the car of accused Nos.1 and 2. On confession, accused Nos.1 and 2 stated that the source of supply of ganja is from accused No.3 and they are supplying the same to accused Nos.4 to 7. The police apprehended them and seized the said ganja along with vehicle under cover of a panchanama and registered C.O.R.No.234 of 2024.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged in the above said crime. The police seized 20.800 kgs. of ganja from accused Nos.1 and 2. Basing upon the confessional statement of accused No.1, the petitioner was implicated in the crime as accused No.6 and entire allegations are levelled against accused Nos.1 and 2. The petitioner was arrested on 17.02.2025 and since then he has been in judicial custody. He further submitted that accused Nos.1 and 2 were arrested and released on bail *vide* CrI.P.Nos.11432 and 11076 of 2024 dated 30.09.2024 and 24.09.2024, respectively, and accused Nos.5 and 7 were also arrested and released on bail *vide* CrI.P.No.14770 of 2024, dated 10.12.2024. Hence, the petitioner is entitled for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner and other accused have committed grave offence under Section 20(b)(ii)(B) of NDPS Act and the investigation is under progress. Hence, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, *prima facie* it reveals that accused Nos.1 and 2 are transporting ganja, which was arranged by accused No.3, to accused Nos.4 to 7. Taking into consideration the fact that accused Nos.1, 2, 5 and 7 were arrested

and enlarged on bail and the petitioner is in jail from 17.02.2025, this Court is inclined to grant bail to the petitioner/accused No.6 subject to the following conditions.

- (i) The petitioner shall be released on bail on executing 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 I Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.
- (ii) The petitioner shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 10.03.2025

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