

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3150 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.5 in Crime No.3 of 2024 of Prohibition and Excise Abdullapurmet Police Station, Rachakonda Commissionerate, registered for the offence under Section 8(c) read with 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard Mr. K. Krishna Kalyan, 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 09.01.2025 at about 01.15 p.m., on credible information, the Prohibition and Excise Sub Inspector, Excise Police Station, Dhoolpet, Hyderabad, along with staff conducted raid at H.No.13-1-565/1, Dilawargunj, Upper Dhoolpet, Hyderabad, and found that accused Nos.1 and 2 in suspicious circumstances and apprehended them and seized 21.010 kgs of ganja from their house. The Police recorded the confession of accused Nos.1 and 2, where the involvement of accused Nos.3 to 14 is came into

existence. The police seized the said ganja under cover of a panchanama and registered Crime No.3 of 2025.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in the present crime. Entire allegations are levelled against accused Nos.1 and 2 and the police seized the contraband from them. The petitioner is not involved in any other crimes. The petitioner was arrested on 10.01.2025 and since then he has been in judicial custody. The petitioner is ready to abide by the conditions, which are going to be imposed by this Court, and also cooperate with the investigation. Hence, the petitioner may be enlarged on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that he has not disputed that the petitioner is not an accused in any crime. However, the contraband seized from accused Nos.1 and 2 is 21.010 kgs., which is commercial quantity, and the investigation is not yet completed, 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 the police seized the contraband from accused Nos.1 and 2 and the petitioner is in judicial custody since 10.01.2025. Taking into consideration the fact that the petitioner is not accused of

any other crime, this Court is inclined to grant bail to the petitioner/accused No.5, subject to the following conditions.

- (i) The petitioner shall be released on bail on 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 I Additional Chief Judicial Magistrate at Nampally, Hyderabad.
- (ii) The petitioner shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- (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: 11.03.2025

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