

HIGH COURT FOR THE STATE OF TELANGANA

**TUESDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 3151 OF 2025

Between:

Bidhan Mandal @ Bholu, S/o late Sanjiban Mandal Aged. 38 years, Occ. Electrical workings, R/o MV.25 village, Mariwada post, Malkangiri District, Odisha State.

...PETITIONER/A-3

AND

The State of Telangana, Rep. by Public Prosecutor, High Court for the State of Telangana Through Police Station BDL Bhanoor.

...RESPONDENTS/COMPLAINANTS

Petition under Section 480 and 483 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the petitioner/A-3 on bail in connection with Crime No. 323/2024, on the of Police Station of BDL Bhanoor, Cyberabad Commissionerate, Sangareddy.District, by imposing terms and on any conditions, in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. J.David Robartson, Advocate for the Petitioner and Mr. Syed Yasar Mamoon, Additional Public Prosecutor, High Court for the State of Telangana, Hyderabad on behalf of the State / Respondent.

The Court made the following: ORDER:

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3151 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.3 in Crime No.323 of 2024 on the file of P.S. Bhanoor, Sangareddy District, registered for the offences punishable under Section 8(c) r/w 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of prosecution in brief is that on 23.10.2024, the petitioner/accused No.3, along with other accused, was found in possession of 50 kgs of ganja and the same was seized. Basing on the same, a case was registered in Crime No.323 of 2024.

3. Heard Mr.J.David Robartson, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He further submitted that though there is no corroborative evidence, the petitioner was implicated in the case with false and fabricated allegations and all the material witnesses were examined, and further detention of the petitioner is unnecessary. He submitted that the petitioner has been in judicial custody since 23.10.2024. He further submitted that the petitioner is ready to cooperate with the investigation and also ready to abide the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the seized contraband i.e., 50 kgs of ganja is commercial quantity and also the investigation is not completed, therefore, granting bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on

record, it reveals that the seized contraband is commercial quantity and investigation is under progress. It is pertinent to note Section 37 of the NDPS Act, which reads as under:

“37. Offences to be cognizable and non-bailable. -- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),--(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 1[offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless--

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.”

7. In view thereof, Section 37 of the NDPS Act mandates that offences involving commercial quantities be non-bailable, requiring reasonable grounds to believe the accused is not guilty

and unlikely to commit further offences while on bail. Hence, since the allegations levelled against the petitioner are serious in nature, this Court is not satisfied that conditions for granting bail under Section 37 are met. Therefore, the criminal petition lacks merit and the same is liable to be dismissed.

8. Accordingly, this Criminal Petition is dismissed.

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

Sd/- P. PADMANABHA REDDY
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Judicial Magistrate of First Class, Sangareddy.
2. The Station House Officer, Bhanoor Police Station, Sangareddy District.
3. One CC to Sri. J.David Robartson, Advocate [OPUC]
4. One CC to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]
5. Two CD Copies.

PSK/gh

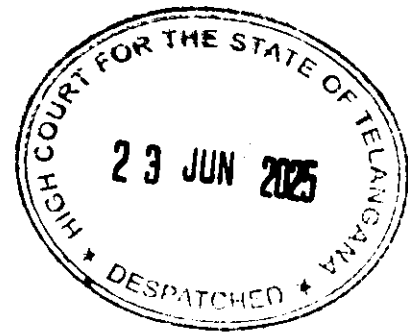
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HIGH Court

DATED:11/03/2025

ORDER

CRLP.No.3151 of 2025



DISMISSED THE CRIMINAL PETITION

⑦ P.A.
21/5/25