

**THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO**

**CRIMINAL PETITION No.3091 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 petitioners/accused Nos.1 and 2 in Crime No.619 of 2024 of Abdullapurmet Police Station, Rachakonda Commissionerate, registered for the offence under Sections 8(c) read with 20(b)(ii)(C) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

2. Heard Mr. K. Krishna Kalyan, learned counsel for the petitioners, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent – State.

3. The brief facts of the case are that on 12.11.2024 at 1630 hours, on receiving credible information that four persons aged between 20 to 25 years are coming by two bikes from Odisha to Hyderabad to deliver the drug which is psychotropic substance to the customers, the police officials apprehended them and they voluntarily confessed that they are transporting ganja. Upon searching, the police found packets wrapped in brown packing tape in a bag, which is carrying by accused Nos.3 and 4, and they found 16 packets weighing 21.370 kgs. The

police seized the said ganja under cover of a panchanama and registered Crime No.619 of 2024.

4. Learned counsel for the petitioners submitted that the police without following the mandatory provisions under Section 42 of the NDPS Act registered the crime, while searching and seizure of the alleged ganja from the petitioners and other accused and also not followed the provisions under Section 50 of the NDPS Act while arresting the petitioners. He further submitted that seventeen witnesses were examined and entire investigation is completed except filing of charge sheet. The petitioners are not involved in any other crimes and are not accused of any crime. The petitioners were arrested on 12.11.2024 and since then they have been in judicial custody. The petitioners are ready to cooperative with the investigation and also abide by the conditions, which are going to be imposed by this Court. Hence, the petitioners may be enlarged on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that he has not disputed that the petitioners are not accused in any crime. However, the ganja seized from the accused is 21.370 kgs., which is commercial quantity, and the investigation is not yet completed, the petitioners are 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 petitioners are in judicial custody since 12.11.2024. Taking into consideration the fact that the petitioners are not accused in any other crime, this Court is inclined to grant bail to the petitioners/accused Nos.1 and 2 subject to the following conditions.

- (i) The petitioners shall be enlarged on bail on their executing personal bonds for a sum of Rs.50,000/-(Rupees fifty thousand only) each with two sureties for a like sum each to the satisfaction of the XIV Additional Metropolitan Magistrate, Cyberabad at Hyderabad.
- (ii) The petitioners 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 petitioners 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.

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**J. SREENIVAS RAO, J**

Date: 11.03.2025  
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