

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY ,THE TWELFTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 3222 OF 2025

Between:

Miragane Prabakar, S/o.Bhujanga Rao, Age. 53 years, Occ. JCb Agent, R/o.418,
Naikwadi plot, Gandhinagar, Barshi Village, Solapur District, Maharastra state.

.....PETITIONER/ACCUSED NO 1

AND

State of Telangana, Represented by Public Prosecutor, High Court at Hyderabad.

.....RESPONDENT

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 release the petitioner/AI on bail in Cr.No.233 of 2024 of Kodad Rural Police Station, Suryapet District pending investigation, enquiry and trial

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P PRABHAKAR REDDY ,Advocate for the Petitioner and the SRI SYED YASAR MAMOON Additional Public Prosecutor on behalf of the Sole Respondent.

The Court made the following: ORDER

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3222 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking regular bail to the petitioner/accused No.1 in Crime No.233 of 2024 on the file of the P.S.Kodad Rural, registered for the offences punishable under Sections 20(b)(ii)(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 17.11.2024 at around 16.00 hours, the Sub-Inspector of Police, Kodad Rural Police Station, received information about a person transporting ganja from Vijayawada to Hyderabad in a Honda City Car bearing registration No.AP-11AM-9991. The car was intercepted at Chimiryala Cross Road, and the occupant, petitioner/accused No.1, confessed to transporting ganja. A search of the car revealed 37 packets of ganja, weighing about 37.46 KGs., which were seized. Petitioner confessed to have acted on instructions from accused

No.2, who had provided the car and an advance payment of Rs.3,00,000/- to transport the ganja. The seized ganja and petitioner were taken to the police station and a case was registered against the petitioner and accused No.2. Aggrieved thereby, this Criminal Petition is filed.

3. Heard Mr.P.Prabhakar Reddy, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner is falsely implicated in the above crime. He further submitted that the petitioner confessed that only he acted as the driver of car on instructions of accused No.2 and the entire allegations were leveled against accused No.2 only. He further submitted that the petitioner received advance payment of Rs.3,00,000/- and he was promised for the additional remuneration and that accused No.2 was the actual purchaser of the ganja. He further submitted that the police did not follow the mandatory legal procedures under Sections 42 and 50 of the NDPS Act. He further submitted that the petitioner was arrested on 17.11.2024 and since then he has been in judicial

custody. He further submitted that the entire investigation in the case is completed, except filing of charge sheet and 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 submitted that petitioner/accused No.1 has committed grave offences under Sections 20(b)(ii)(C) and 29 of NDPS Act and the quantum of recovery of contraband falls under commercial quantity and the same was in possession of the petitioner. He further submitted that the investigation is under progress and that the petitioner has involved in similar offence vide Crime No.55 of 2024 and the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made and on going through the material placed on record, it is noted that a search of the said car revealed 37 packets of ganja weighing 37.46 KGs., and the said contraband is commercial quantity. That being so, it is relevant to extract 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. Perusal of the record would reveals that the petitioner has already filed Criminal Petition No.99 of 2025 seeking grant of regular bail on the very same grounds and this Court dismissed the

said petition on 07.02.2025 on the ground that the investigation is not completed.

8. Taking into consideration of the facts and circumstances of the case and submissions made by the respective parties, this Court is not inclined to grant bail to the petitioner/accused No.1.

9. Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications, pending if any, shall stand closed.

//TRUE COPY//

SD/- L. LAKSHMI BABU
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Additional Judicial First Class Magistrate, Kodad Suryapet District
2. The Station House Officer, Kodad Rural Police Station, Kodad Rural Suryapet District
3. One CC to SRI P PRABHAKAR REDDY Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. **Two CD Copies**

Bj

HIGH COURT

DATED:12/03/2025

ORDER

CRLP.No.3222 of 2025



DISMISSING THE CRIMINAL PETITION

⑧
21/5/25
KVS