

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3585 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioners/accused Nos.3 and 4, seeking bail in Crime No.452 of 2024 of Malakpet Police Station, Hyderabad, for the offences punishable under Sections 8(c) read with Sections 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard Mr.Srinivas Rao Busi, learned counsel for the petitioners and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that accused No.1 became acquainted with accused No.2 while they were in Khammam jail. After their release from jail, they along with accused Nos.3 to 5 formed a group and decided to procure ganja from Odisha through one Sanjay Nayko, a resident of Odisha. They planned to sell the ganja at higher prices in Hyderabad and Khammam areas and share the profits equally. As per their plan, accused Nos.1 to 3 went to Odisha on 12.12.2024 in a Baleno car and purchased 30

kgs of ganja (flowering tops with fruiting buds) for Rs.75,000/- from Sanjay Nayko. Kiran and Vamsi are going ahead of the car on their bike to scout for and alert the group of any police checks, facilitating an escape if needed. On 16.12.2024, at around 15:45 hours, the group reached Gaddiannaram X road, Hyderabad, the police intercepted and apprehended them.

4. Learned counsel for the petitioner submitted that the petitioners are innocent persons and they did not commit any offence as alleged against them and they were falsely implicated in this crime. He further submitted that entire allegations are levelled against the other accused and the contraband was also seized from them. The petitioners are drivers and there are no specific allegations levelled against them.

5. He further submitted that the petitioners were arrested on 16.12.2024 and since then they have been in judicial custody. He also submitted that entire investigation is completed except filing of charge sheet. He further submitted that the petitioners are not involved in any other crimes and they are ready and willing to cooperate with the investigation and will abide by the conditions, which are going to be imposed by this Court. Therefore, he prays to release the petitioners on bail.

6. On the other hand, learned Additional Public Prosecutor opposed the bail stating that the petitioners are involved in a grave offence and 30 kgs of ganja was seized from the petitioners and other accused, which is a commercial quantity and the investigation is under progress. He further submitted that petitioner No.1/accused No.3 is involved in similar offences i.e., Crime No.47 of 2024, for the offence under Section 8(c) read with Section 20(B)(ii)(A) of NDPS Act of Atmakur (M) Police Station and Crime No.118 of 2024 for the offence under Section 324 read with Section 34 of IPC of Mothkuru Police Station. Insofar as accused No.4 is concerned, no similar offences are pending.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the police seized 30 kgs of ganja from the petitioners and other accused. According to the learned Additional Public Prosecutor, there are no similar cases pending against accused No.4. Insofar as accused No.3 is concerned, he is involved in similar offences. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner No.2/accused No.4 subject to the following conditions:

- i) The petitioner No.2/accused No.4 is enlarged on bail on his 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 VII Addl. Chief Judicial Magistrate, Nampally, Hyderabad.

- ii) The petitioner No.2/accused No.4 shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of eight weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
- iii) The petitioner No.2/accused No.4 shall abide by the conditions stipulated under Section 437(3) of Cr.P.C. (presently 480(3) of BNSS).

8. Insofar as petitioner No.1/accused No.3 is concerned, this Court is not inclined to grant bail on the ground that he is involved in similar offences. Hence, this Criminal Petition is hereby dismissed against the petitioner No.1/accused No.3.

9. Accordingly, the Criminal Petition is allowed in part.

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

JUSTICE J.SREENIVAS RAO

Date: 19.03.2025
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