

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3254 of 2025

ORDER:

This criminal petition is filed by the petitioner/A2 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) to enlarge him on bail in Crime No.164 of 2025 of Bachupally Police Station, Cyberabad, for the offence punishable under Sections 22(b), 20(b)(ii)(A), 27(A) read with 8(c) of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. Heard Sri Rajagopallavan Tayi, learned counsel for the petitioner, and learned Additional Public Prosecutor for the respondent.

3. The case of the prosecution is that the petitioner was apprehended on 23.02.2025 at 21:15 hours at Bachupally Graveyard, Cyberabad, for possession and consumption of MDMA and dry ganja. The prosecution further reveals that the petitioner was in possession of 5 grams of dry ganja and Accused No.1 was in possession of 4 grams of MDMA and one phone.

Basing on the same, a case in Crime No.164 of 2025 was registered for the aforementioned offences.

4. Learned counsel for the petitioner submits that the contraband seized from the petitioner i.e., 5 grams of dry ganja is below commercial quantity and therefore, the petitioner is entitled for grant of bail. He further submits that the petitioner is not involved in any other offence except this case as on today and that he is ready to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the investigation is pending and therefore, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 23.02.2025 and since then he is in judicial custody and that the contraband seized i.e., 5 grams of dry ganja is below the commercial quantity.

7. Taking into consideration the facts and circumstances of the case and that the petitioner was in judicial custody since 23.02.2025, this Court is inclined to grant bail to the petitioner on the following conditions:

(1) The petitioner/A2 is enlarged on bail on executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousands only) with two sureties for a like sum each to the satisfaction of PJ CJ-Cum-XI Judicial Magistrate Court, Kukatpally.

(2) The petitioner shall appear before the concerned SHO at 11:00 A.M. on every Monday for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter as and when required.

(3) The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

8. Accordingly, the criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 10.03.2025
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