

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3259 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.20 of 2024 on the file of Gudihathnoor Police Station, Adilabad District, for the offence punishable under Section 20(b)(ii)(C) of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. Heard Sri Soma Ravi Kiran Reddy, learned counsel for the petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

3. The case of the prosecution is that on 29.02.2024, the police apprehended Accused No.1 while she was in illegal possession and transporting 28.155 Kgs of Ganja on TVS Jupiter Gry Colour Scooty bearing No.MH 37 AE 6121 and on interrogation she confessed that she purchased the same from Accused No.4 at low price and transporting the same to Washim District of Maharashtra State to sell the

same to the petitioners at higher rates. On 11.05.2025, the police apprehended the petitioners and on interrogation they confessed their guilt. Hence, the police registered the above crime for the above said offence.

4. Learned counsel for the petitioner submits that the petitioner has not committed the offence and he was falsely implicated in the above crime. He further submits that the entire allegations were levelled against other accused and the contraband was seized from Accused No.1. He further submits that the police without following the mandatory procedure prescribed under the provisions of the NDPS Act wrongly implicated the petitioner as an accused and that major portion of investigation is completed except filing of charge sheet. He further submits that the petitioner was arrested on 11.01.2025 and since then he is in judicial custody 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. He further submits that no other criminal case is pending against the petitioner except the present crime.

5. Per contra, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the petitioner is involved in grievous offence under the provisions of the NDPS Act and investigation is not yet completed. Therefore, at this stage, 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 11.01.2025 and since then he is in judicial custody and according to the instructions placed by the learned Additional Public Prosecutor, the petitioner has not committed any other crime, including the offence punishable under the provisions of the NDPS Act.

7. Taking into consideration the facts and circumstances of the case and that the petitioner was in judicial custody since 11.01.2025, 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 the Judicial First Class Magistrate at Boath.

(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: 18.03.2025
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