

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3457 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking bail to the petitioner/accused No.3 in Crime No.8 of 2025 of Dundigal Police Station, Cyberabad Commissionerate, registered for the offence under Section 8(c) read with 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act')..

2. Heard Mr. Y. Somasrinath Reddy, learned counsel representing Mr. M. Keshav Yadav, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent – State.

3. The brief facts of the case are that on 03.01.2025 at 0700 hours, the Detective Inspector of Police-LW.1 received credible information that the petitioner is transporting ganja chocolates from Odissa to Bollaram via Bahadurpally X Road to her kirana and general store at IDA Bollaram, Sanga Reddy District and sold it at higher prices to the needy customers. Immediately, he and other staff rushed to Bahadurpally X Road, wherein one woman standing suspicious manner and after search, they found a bunch of ganja chocolate packets in white and red

colour bag and wrote on the bags as Vimal and when it was opened, they found 117 yellow colour polyethylene cover pockets and opened one polyethylene cover pocket with black colour substance with pungent smell. Thereafter, she confessed that the chocolates found in the white and red colour bag are ganja chocolates. The police seized the said ganja chocolates under cover of a panchanama.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged and she was falsely implicated in the present crime. The ingredients of Section 8(c) read with 20(b)(ii)(C) of the NDPS are not applicable to the facts and circumstances of the case. The petitioner was arrested on 03.01.2025 and since then she has been in judicial custody. The petitioner is having small children and she is the sole breadwinner to the family. He further submitted that entire investigation is completed except filing of the charge sheet. The petitioner has not been involved in any crime and she is ready to abide the condition, which are going to be imposed by this Court and also cooperate with the investigation. Hence, the petitioner is entitled for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor opposed the bail stating that 24.2 kilograms of contraband, which is a commercial quantity, was seized from the possession of the petitioner. He further

submitted that the petitioner has committed grave offence and the investigation is under progress. Hence, the petitioner is 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, it reveals that the petitioner was arrested on 03.01.2025 and since then she has been in judicial custody. It is not in dispute that the petitioner is not an accused in any other crime. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.3 subject to the following conditions.

- (i) The petitioner shall be released on bail on executing a personal bond for a sum of Rs.50,000/-(Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the VIII Additional Metropolitan Magistrate at Medchal, Cyberabad.
- (ii) The petitioner 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.
- (iii) The petitioner shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.
- (iv) After release, if the petitioner is involved in any criminal offence of similar or grave in nature, the bail granted by this Court shall stand cancelled.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 17.03.2025

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