

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3281 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.4, in Crime No.93 of 2024 of Police Station, Bhavani Nagar, Hyderabad, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(C) and 29 of NDPS Act, 1985.

2. The case of prosecution, in brief, is that 64 kgs of ganja was found in possession of the petitioner/accused No.4 and other accused. Basing on the same, a case was registered in Crime No.93 of 2024.

3. Heard Sri Suresh Singh, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in the case.

He further submits that there is non-compliance of Section 42 of the NDPS Act and neither the remand report nor the complaint indicates about the sampling done in accordance with Section 52-A of the NDPS Act. He further submits that the investigation in this case is already completed and filed charge sheet and the same is numbered as S.C.No.275 of 2024.

5. He further submits that this Court granted bail in favour of the accused Nos.1 to 3 in CrI.P.No.8717 of 2024 on 19.08.2024 and in favour of the accused No.5 in CrI.P.No.9874 of 2025 on 29.08.2024 and also accused No.6 in CrI.P.Nos.11820 of 2024 on 04.10.2024 and the petitioner will appear before the concerned Court and prosecute the proceedings regularly and the petitioner is ready and willing to abide the conditions, which are going to be imposed by this Court.

6. *Per contra*, learned Additional Public Prosecutor submits that petitioner/accused No.4 has committed grave offence under Sections 8(c) read with 20(b)(ii)(C) and 29 of the Act. However, he does not dispute the granting of bail in favor of the accused.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 02.08.2024 pursuant to the PT warrant and since then, he is in judicial custody and the Investigating Officer after conducting investigation, filed charge sheet and the same was numbered as NDPS S.C.No.275 of 2024 and this Court granted bail in favour of the other accused i.e., Accused Nos.1 to 3 in CrI.P.No.8717 of 2024 on 19.08.2024, Accused No.5 in CrI.P.No.9874 of 2024 on 29.08.2024 and Accused No.6 in CrI.P.No.11820 of 2024 on 04.10.2024.

8. Taking into consideration of the facts and circumstances of the case and submissions made by the respective parties, this Court is inclined to grant bail to the petitioner/accused No.4, subject to the following conditions:

(i) The petitioner/accused No.4 shall execute a personal bond for a sum of Rs.30,000/-(Rupees Thirty Thousand only) with two sureties for a like sum each to the satisfaction of I Additional Metropolitan Sessions Judge, Nampally, Hyderabad.

(ii) The petitioner/accused No.4 shall appear before the concerned Court on every adjournment.

iii) The petitioner/accused No.4 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

9. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 12.03.2025
LPD

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