

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3418 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.2 in Crime No.131 of 2024 on the file of the P.S. Dummugudem, Bhadradri Kothagudem District, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 16.11.2024, on receipt of credible information, the Police apprehended the petitioner and other accused and seized 26.810 kgs. of ganja. Basing on the same a case was registered in Crime No.131 of 2024.

3. Heard Mr.M.Arun Kumar, learned counsel representing Mr.M.Venkateswarlu, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner is no way concerned with the seizure of contraband and he was falsely implicated in the said crime. He further submitted that the petitioner has been working as a daily wage labourer and he is the sole breadwinner of his family. He further submitted that the petitioner was arrested on 17.11.2024 and since then he is in jail and he is not having any criminal antecedents. He further submitted that the petitioner is ready to cooperate with the investigation and also ready to abide the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.2 has committed grave offence under Sections 8(c) r/w 20(b)(ii)(C) and 29 of NDPS Act. He further submitted that the investigation is under progress and at this stage, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that petitioner was arrested on 17.11.2024 and no

criminal antecedents are reported against the petitioner/accused No.2.

7. 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.2, subject to the following conditions:

(i) The petitioner/accused No.2 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 Judicial First Class Magistrate, Badrachalam.

(ii) The petitioner/accused No.2 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.

iii) The petitioner/accused No.2 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

(iv) After release, if the petitioner is involved in similar offence, the bail granted by this Court shall be cancelled.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 13.03.2025

vsl