

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3455 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.4 in Crime No.515 of 2024 of Bowenpally Police Station, Hyderabad, registered for the offences under Sections 8(c) read with 21(C), 22(C), 27(A), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act')..

2. Heard Mr. N. Krishna Sumanth, learned counsel representing Mr. S. Ram Reddy, 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 24.08.2024, the Sub-Inspector of Police received credible information about three persons transporting Amphetamine drugs from Jinnaram to Hyderabad. Basing on this information, a trap was set and at 6.45 p.m. on 25.08.2024, the police intercepted a Mahindra Xylo Vehicle bearing No.AP 28 DG 4545 near Pillar No44, Old Bowenpally. Three persons, namely Kunchela Nagaraju, Ashagoni Vinod Kumar and Kunti Srisailam, were arrested and found in possession of 8.582 of Amphetamine, valued at Rs.8.5

crores. The accused revealed their involvement in transporting the drugs on commission from the petitioner. The police seized the vehicle, mobile phones and cash from the accused and the entire proceedings were video recorded.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged and he was falsely implicated in the present crime. The police seized 8.582 kgs of Amphetamine from the possession of accused Nos.5 to 7. Basing upon the confessional statement of accused No.1, the petitioner was implicated in the crime as accused No.4. The petitioner was arrested on 18.06.2024 in Crime No.118 of 2024 of P.S. Gummadidala. Subsequently, the petitioner was produced through P.T. Warrant on 15.10.2024 and since then he has been in judicial custody. He further submitted that accused Nos.1, 2, 3 and 6 were arrested and released on bail *vide* CrI.P.Nos.12388, 11378, 11152 and 10924 of 2024 dated 22.10.2024, 27.09.2024, 26.09.2024 and 23.09.2024 respectively. Hence, the petitioner is entitled for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor opposed the bail stating that 8.582 kgs. of Amphetamine was seized from the possession of accused Nos.5 to 7 and the petitioner is a habitual offender and he was involved in two similar crimes i.e, Crime No.50 of 2024 of Genome

Valley Police Station, Cyberabad and Crime No118 of 2024 of Gummadidala Police Station. He further submitted that petitioner and other accused have committed grave offence and the investigation is under progress. Hence, the petitioner is not entitled for grant of bail.

6. Learned counsel for the petitioner, by way of reply, submitted that the petitioner was enlarged on bail in the other two crimes and mere involvement of the petitioner in other crimes is not a ground to reject the bail application.

7. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that the other accused in the crime were already released on bail and material part of the investigation is completed. It is noteworthy that no charge sheet is filed till date. Taking into consideration the fact that accused Nos.1, 2, 3 and 6 were arrested and enlarged on bail and the petitioner is in jail from 18.06.2024, this Court is inclined to grant bail to the petitioner/accused No.4 subject to the following conditions.

- (i) The petitioner shall be enlarged 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 XI Additional Chief Metropolitan Magistrate, Secunderabad.

- (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.
 - (ii) The petitioner shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.
8. 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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