

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3601 of 2025

ORDER:

This criminal petition is filed by the petitioner/A3 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) to grant regular bail to him in Crime No.348 of 2024 on the file of Bhongir Rural (Rachakonda) Police Station, Yadadri Bhongir, registered for the offence punishable under Section 20(b)(ii)(C) and 8(c) read with 29 of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. Heard Sri Mallu Venugopal 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 29.10.2024, as per the instructions of the Station House Officer, Bhongir Police Station, the staff of the said police station proceeded to Nagireddypally Village and started general vehicle checking on Bhongir-Chityal road. During the vehicle checking, the police seized 35.50 Kgs of dry Ganja from the petitioner and other accused and after following the procedure prescribed under the

provisions of the NDPS Act, registered a case in Crime No.348 of 2024 for the above said offences.

4. Learned counsel for the petitioner submits that the petitioner has not committed the offence and he was falsely implicated in the present crime. He further submits that the contraband is seized from the other accused and the petitioner was arrested on 29.10.2024 and since then he is in judicial custody and the entire investigation is completed except filing charge sheet. He further submits that Accused Nos.1, 2, 4 and 5 were already enlarged on bail and the petitioner is ready and willing to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the police seized 35.50 Kgs of dry Ganja from the petitioner and other accused which is a commercial quantity and investigation is not yet completed. Therefore, granting bail to the petitioner at this stage does not arise. However, he has not disputed that Accused Nos.1, 2, 4 and 5 were already enlarged on 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 is languishing in jail from 29.10.2024 and major part of investigation is also completed. The record also reveals that Accused Nos.1, 2, 4, and 5 were already enlarged on bail.

7. Taking into consideration the facts and circumstances of the case and that the petitioner was in judicial custody since 29.10.2024, this Court is inclined to grant bail to the petitioner on the following conditions:

(1) The petitioner/A3 is enlarged on bail on executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousands only) with two sureties for a like sum each to the satisfaction of Principal Judicial First Class Magistrate at Bhongir, Yadadri-Bhongir.

(2) After release, 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 has to give an undertaking/affidavit before the concerned SHO to the effect that again he will not commit the very same offence after release.

(4) 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: 19.03.2025
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