

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.3646 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 in Crime No.463 of 2024 on the file of the Asifnagar Police Station, Hyderabad, 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 'the NDPS Act').

2. The case of the prosecution is that on 01.10.2024, the Sub-Inspector of Police, Asifnagar Police Station, while conducting vehicle check at Sai Baba Temple, Gudimalkapur, along with his staff, found the petitioner in possession of 2 kgs of hash oil and after recording confession panchanama of the petitioner, seized the hash oil in the presence of panchas and registered the aforesaid case against the petitioner.

3. Heard Ms. Indira, learned counsel for the petitioner/accused and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner was falsely implicated in the present crime and that the police have not followed the mandatory procedure contemplated under Section 50 of the NDPS Act. She further submitted that the petitioner was arrested on 01.10.2024 and since then he is in jail and that the petitioner/accused does not have any criminal antecedents. She further submitted that the petitioner is ready to cooperate with the investigation and also abide by the conditions as may be imposed by this Court and prayed for grant of bail.

5. Per contra, learned Additional Public Prosecutor submitted that the contraband seized from the petitioner/accused is 2 kgs of hash oil, which is a commercial

quantity and therefore, the petitioner/accused 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 learned counsel for the parties and on perusal of the material available on record, it reveals that petitioner was arrested on 01.10.2024 and since then, he has been in judicial custody and no criminal antecedents are reported against him. Even according to the learned Additional Public Prosecutor, 14 witnesses have already been examined and major portion of investigation is completed.

7. In view of the same, this Court is inclined to grant bail to the petitioner/accused, subject to the following conditions:

- (i) The petitioner/accused shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty

Five Thousand only) with two sureties (one local surety) for a like sum each to the satisfaction of I Additional Chief Judicial Magistrate, Hyderabad.

(ii) On such release, the petitioner/accused shall appear before the concerned Station House Officer 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 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

(iv) After release, if the petitioner/accused involves 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.

Date: 19.03.2025
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J.SREENIVAS RAO, J