

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.3783 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.4 seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.40 of 2024 of Excise Police Station, Charminar, Hyderabad, registered for the offence punishable under Section 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. Heard Mr. Neeraj Prasad, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 08.10.2024, on credible information, the AC Enforcement officials along with other staff conducted route watch at road beside Grand Function Hall, Kandikal Gate Road, Gulam Murtuza Colony,

Falaknuma, Hyderabad, and apprehended accused Nos.1 and 2 in the aforesaid crime and on their confession, seized 1.200 kgs of dry Ganja from them in the presence of panchas and on knowing from them about the involvement of the petitioner/accused No.4 and accused No.3 in the said crime, registered the aforesaid case against the petitioner/accused No.4 and others.

4. Learned counsel for the petitioner/accused No.4 submits that the petitioner has not committed the offence and he has been falsely implicated in the aforesaid crime. He further submitted that the crime was registered on the basis of confessional statements of accused Nos.1 and 2 and the contraband was seized from accused Nos.1 and 2 only. He further submits that the petitioner is eking out his livelihood by doing labour work and his entire family is dependent on his income and the petitioner/accused No.4 be granted anticipatory bail as he is ready and willing to cooperate with the

investigating officer for investigation and abide by the conditions that may be imposed by the Court. He further submits that accused Nos.1 and 2 in the aforesaid crime have already been released on bail.

5. Per contra, learned Additional Public Prosecutor submits that the investigation is in progress and if the petitioner/accused No.4 is granted anticipatory bail at this stage, there is every chance of his influencing the witnesses and interfering with the investigation. Hence, he prays to dismiss this criminal petition.

6. Having heard learned counsel for the parties and having perused the material available on record, it reveals that the contraband seized from accused Nos.1 and 2 is 1.200 kgs of dry Ganja and the same is a intermediate quantity and accused Nos.1 and 2 were already enlarged on bail *vide* separate orders dated 23.10.2024 in CrI.M.P.Nos.4879 and 4850 of 2024.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner/accused No.4 subject to the following conditions:

- (i) Petitioner/accused No.4 is directed to surrender before the Station House Officer, Excise Police Station, Charminar, on or before 29.03.2025;
- (ii) On such surrender, the Station House Officer, Excise Police Station, Charminar, shall release the petitioner/accused No.4 on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioner/accused No.4 shall appear before the Station House Officer, Excise Police Station, Charminar, on every Monday at 11:00 a.m., for a period of eight weeks for the purpose of investigation and thereafter, as and when required by the police for investigation.
- (iv) Petitioner/accused No.4 abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of

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BNSS and shall cooperate with the investigating officer for conclusion of investigation.

8. Subject to the above directions, the Criminal Petition is allowed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 24.03.2025
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J.SREENIVAS RAO, J