

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3735 of 2025

ORDER:

This criminal petition is filed by the petitioners/A2 and A3 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) to enlarge them on bail in Crime No.61 of 2025 of Hayathnagar Police Station, Rachakonda Commissionerate, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(C) and Section 29 of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. The case of the prosecution is that on 12.01.2025, on receipt of credible information that Ganja is being transported illegally in Innova Car bearing registration No.AP 09 BM 5959, the Sub-Inspector of Police, Hayathnagar, went near Sri Mallikarjuna Swamy SSR Constructions and being found that the accused are in possession of the contraband, arrested them and seized 28.78 Kgs of Ganja. Basing on the said complaint, a case

in Crime No.61 of 2025 was registered for the above said offences.

3. Heard Sri A. Prabhakar Rao, learned counsel representing Sri Ch. Raj Kumar, learned counsel for the petitioners, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioners submits that the petitioners have not committed the offence and they were falsely implicated in the present crime. He further submits that the petitioners only travelled in the vehicle wherein the contraband was seized and that the contraband belongs to Accused No.1. Even according to the remand case diary, the investigating officer specifically stated that Accused No.1 is a Peddler-cum-Transporter and that the contraband was not seized from the petitioners. He further submits that the petitioners were arrested on 12.01.2025 and since then they were in judicial custody and that they are ready and willing to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court. He further submits that the

petitioners are not accused in any other case, including similar offence. Petitioner No.1/A2 is the bread winner and is doing agriculture and petitioner No.2/A3 is a wall painter and eking out their livelihood by doing the above said works.

5. Per contra, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners stating that the petitioners have involved in grave offence under the provisions of the NDPS Act and the investigation is under progress. However, he has not disputed that the petitioners have not involved in any other crime.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the petitioners were arrested on 12.01.2025 and since then they are in judicial custody and that they are not accused in any other crime.

7. Taking into consideration the facts and circumstances of the case and the major part of

investigation is completed, this Court is inclined to grant bail to the petitioners on the following conditions:

(1) The petitioners/A2 and A3 are enlarged on bail on executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousands only) each with two sureties for a like sum each to the satisfaction of the XIV Additional Metropolitan Magistrate, Rachakonda At Hayathnagar.

(2) The petitioners/A2 and A3 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 petitioners/A2 and A3 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: 21.03.2025
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