

THE HON'BLE SRI JUSTICE J.SREENIVASRAO

CRIMINAL PETITION No.3796 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.6, seeking bail in Crime No.231 of 2024 of Gummadidala Police Station, Sangareddy District, registered for the offence punishable under Sections 8(c) read with Section 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, 'NDPS Act').

2. Heard Ms. V.Mythili, learned counsel for the petitioner and Mr.Syed Yasar Moon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 31.12.2024, on receipt of credible information, the Police have conducted vehicle check at Toll gate, Gummadidala Village and found 350 grams of Alprazolam from accused No.17, 150 grams of Alprazolam was seized from accused No.1 and 170 grams of Alprazolam was seized from accused No.4.

Basing on the same, a case was registered in Crime No.231 of 2024 for the said offences.

4.1 Learned counsel for the petitioner submitted that the petitioner is innocent person and he did not commit the alleged offence and he was falsely implicated in this case as accused No.6. The police have not followed the mandatory procedure as prescribed under Sections 42 and 50(1) of the NDPS Act at the time of search and seizure of contraband. He further submitted that the petitioner was arrested on 06.02.2025 and since then he is in judicial custody.

4.2 He further submitted that the petitioner is the sole bread winner in his family and entire investigation except filing of charge sheet. He also submitted that this Court already granted bail to accused Nos.2 to 4 and the petitioner is ready and willing to cooperate with the investigation pending if any, and also abide by the conditions, which are going to be imposed by this Court. The petitioner is not involved in any similar offence. Therefore, he prayed to release the petitioner on bail.

5. *Per contra*, learned Additional Public Prosecutor

appearing on behalf of respondent opposed the bail petition and submitted that the petitioner has committed grave offence, which is punishable under the NDPS Act and the contraband seized in this case, which is a commercial quantity. Moreover, the investigation is not yet completed. Therefore, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner is made as an accused No.1 in the present crime and he was arrested on 06.02.2025 and since then he is in judicial custody. There are no pending criminal cases against the petitioner. According to the learned counsel for the petitioner, material part of the investigation is completed except filing of charge sheet. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.6 subject to the following conditions:

- i) The petitioner/accused No.6 is enlarged on bail on his 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 Judicial First Class Magistrate-cum-Special Mobile Magistrate at Sangareddy.

- ii) The petitioner/accused No.6 shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of eight 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 No.6 shall abide by the conditions stipulated under Section 483(3) of BNSS.
- iv) After release, if the petitioner/accused No.6 is involved in similar offences, the bail granted by this Court shall stand cancelled.

7. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 24.03.2025
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