

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3795 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking bail to the petitioners/accused Nos.4 to 7 in Crime No.332 of 2024 of Hasanparthy Police Station, Hanumakonda District, registered for the offences under Section 8(c) read with 20(b)(ii)(C), 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

2. Heard Mr. V. Venkatram Narsaiah, learned counsel for the petitioners, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent – State.

3. The brief facts of the case are that the Sub-Inspector of Police, Hasanparthy Police Station, on reliable information that the prohibited ganja was being transported in red colour tractor without vehicle number from Seeleru via Bhadrachalam to Kamareddy District via Warangal, went to the spot along with his staff and conducted vehicle checking at Sri Venkateshwara Damber Plan, near Ananthasagar Cross, Karimnagar Highway and found one tractor, which is coming from Bhadrachalam, and they stopped the tractor and on interrogation, the driver of the tractor was admitted that there was ganja in the

tractor, but the back of the tractor was empty. When he asked about the ganja in the tractor, the driver raised the trolley with hydraulics and showed a row of packets wrapped in brown tape in a special cabin in the lower part of the trolley and on counting the packets, there are 96 and weighted the ganja, which is 338.750 kilograms. The police apprehended him and seized the contraband under cover of panchanama in the presence of the mediators. On 18.12.2024 at 14.30 hours, the police conducting vehicle checking duty near Seethampet village and stopped one Maruthi car and found some persons. On enquiry, they revealed their names and involvement in this case and the police seized Maruthi Car bearing No.AP 28 BU 4488 along with cell phones under cover of panchanama before the mediators.

4. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and they were was falsely implicated in the present crime. The police have not followed the mandatory provisions prescribed under Sections 42, 43, 52 and 55 of the NDPS Act and the entire prosecution is vitiated. The petitioners were arrested on 19.12.2024 and since then they have been in judicial custody. Petitioner Nos.3 and 4/accused No.6 and 7 are not involved in similar offence and no cases were pending against them. The petitioners are ready to abide by the conditions, which are going to be imposed by this

Court, and shall cooperate with the investigation. Hence, the petitioners may be enlarged on bail.

5. *Per contra*, learned Standing Counsel submitted that the petitioners have committed grave offence and the contraband was seized in the crime is 338.750 kilograms of ganja, which is commercial quantity. As per the provisions of Section 37 of the NDPS Act, the petitioners are not entitled for grant of bail and the investigation is under progress. Petitioner No.1/accused No.4 is involved in 12 similar crimes, petitioner No.2/accused No.5 is involved in one similar crime. Hence, the petitioners are not entitled for grant of bail.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals the petitioners have committed the offence under provisions of the NDPS Act. Even as per the remand case diary dated 19.12.2024, petitioner No.1/accused No.4 was involved in the 12 cases and petitioner No.2/accused No.5 was involved in one case. Taking into consideration the facts and circumstances of the case, this Court is not inclined to grant bail to petitioner Nos.1 and 2/accused Nos.4 and 5.

8. Insofar as petitioner Nos.3 and 4/accused Nos.6 and 7 are concerned, as per the remand case diary dated 19.12.2024 no cases were pending against them. Hence, this Court is inclined to grant bail

to petitioner Nos.3 and 4/accused No.6 and 7 subject to the following conditions.

- (i) Petitioner Nos.3 and 4/accused No.6 and 7 shall execute 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 Principal Junior Civil Judge-cum-Judicial First Class Magistrate, Hanamkonda.
- (ii) Petitioner Nos.3 and 4/accused No.6 and 7 shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- iii) The petitioner shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.
- iv) After release, if the petitioner involved for the same offence the bail granted by this Court shall stand cancelled.

9. Accordingly, the Criminal Petition is allowed in respect of petitioner Nos.3 and 4/accused Nos.6 and 7. Insofar as petitioner Nos.1 and 2/accused Nos.4 and 5 are concerned, the criminal petition stands dismissed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 24.03.2025

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