

THE HON'BLE SRI JUSTICE J.SREENIVASRAO

CRIMINAL PETITION No.3802 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.3, seeking bail in Crime No. 407 of 2024 of Nampally Police Station, Hyderabad, registered for the offence punishable under Sections 8(c) read with Section 20(b)(ii(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act,1985 (hereinafter referred to as, 'NDPS Act').

2. Heard Sri L.Ram Singh, learned counsel, representing Sri Y.Suneel Kumar, learned counsel for the petitioner and Mr.Syed Yasar Moon, learned Additional Public Prosecutor appearing for respondent-State.

3.1 The case of prosecution in brief is that on 14.12.2024 at about 15-35 hours, on credible information, the Sub-Inspector of Police, Nampally Police Station along with staff proceeded towards Nampally Railway Station, Hyderabad and apprehended accused Nos.1 to 3 in

suspicious circumstances and seized 30.00 kgs of ganja from their possession. The Police have recorded the confessional statements of accused Nos.1 to 3, where under the involvement of accused Nos.4 to 10 came to light. The Police registered the case in Crime No.407 of 2024 of Nampally Police Station, Hyderabad for the offence under Section 8(c) read with Section 20(b)(ii)(c) of NDPS Act, 1985.

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. He further submitted that the police seized the contraband without following the mandatory procedure under the provisions of the NDPS Act. He further submitted that the petitioner was arrested on 14.12.2024 and since then he is in judicial custody. The petitioner is doing private job and his entire family members are depending on his income only.

4.2 He further submitted that the entire investigation is completed except filing of charge sheet 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 opposed the bail petition and submitted that the petitioner has committed grave offence, which is punishable under the provisions of NDPS Act. 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 was arrested on 14.12.2024 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, twelve witnesses were examined and the petitioner is not involved in any similar offence. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.3 subject to the following conditions:

- i) The petitioner/accused No.3 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 XII Additional Chief Judicial Magistrate, Nampally at Hyderabad.

- ii) The petitioner/accused No.3 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.3 shall abide by the conditions stipulated under Section 483(3) of BNSS.
- iv) After release, if the petitioner/accused No.3 is involved in similar offences, the bail granted by this Court shall stands 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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