

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3805 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.4 in Crime No.94 of 2024 on the file of P.S.Alwal, Cyberabad, registered for the offences punishable under Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 15.02.2024, at 5:30 PM, near Lakshmikala Mandir, Venkatapuram, Alwal, the Police seized 31.620 kgs. of ganja and three mobile phones from A1 to A3, who were allegedly transporting the contraband from Visakhapatnam to handover to A5 in Alwal. Basing on the same, a case was registered in Crime No.94 of 2024.

3. Heard Mr.P.Papaiah Peddakula, learned counsel representing Mr.K.Vijaya Bhaskar, learned for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner is no way concerned with the seizure of contraband and the contraband was seized from the possession of other accused and he was falsely implicated in the said crime. He further submitted that the petitioner was arrested on 12.11.2024 pursuant to PT warrant and since then he is in judicial custody. He further submitted that entire investigation is completed and charge sheet is also filed and the petitioner is ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.4 has committed grave offence under Section 20(b)(ii)(C) of NDPS Act and he is involved in two similar cases. Hence, the petitioner is not entitled for grant of bail.

6. By way of reply, learned counsel for the petitioner submitted that in other cases, petitioner is arrayed as accused, basing on the confession statement of other accused and he was falsely implicated in those cases and he was already enlarged on bail in other cases.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that petitioner was arrested on 12.11.2024, pursuant to PT warrant and entire investigation is completed and charge sheet is also filed.

8. Taking into consideration the facts and circumstances of the case and submissions made by the respective parties, this Court is inclined to grant bail to the petitioner/accused No.4, subject to the following conditions:

(i) The petitioner/accused No.4 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 Metropolitan Sessions Judge, Medchal-Malkajgiri District at Kushaiguda.

(ii) The petitioner/accused No.4 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

(iii) After release, if the petitioner is involved in similar offence, the Public Prosecutor is

entitled to file necessary application seeking
cancellation of bail.

9. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand
closed.

JUSTICE J.SREENIVAS RAO

Date: 24.03.2025

vsl