

THE HON'BLE SRI JUSTICE J.SREENIVASRAO

CRIMINAL PETITION No.3821 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/accused, seeking bail in C.O.R. No. 14 of 2025 of Prohibition and Excise Station, Uppal, Medchal-Malkajgiri District, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, 'NDPS Act').

2. Heard Sri B.Mallesha, 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 the Station House Officer, Prohibition and Excise Station, Uppal, on credible information about the transportation of dry ganja, proceeded to water tank near D-Mart, Uppal Bhagayath and found the petitioner coming on a two wheeler by hanging back pack bag and the excise officials have intercepted the said vehicle, inspected the same and

found the dry ganja leaves and seized the same.

4. Learned counsel for the petitioner submitted that the petitioner is innocent person and he did not commit the alleged offence and no contraband was seized from the petitioner and that he was falsely implicated in this case. The alleged contraband seized from the petitioner is 5.147 kgs of dry ganja, which is intermediate quantity. The petitioner is not involved in any other crime and the petitioner is suffering with ill-health. The petitioner was arrested on 16.02.2025 and since then he is in judicial custody.

5. He further submitted that 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. Therefore, he prayed to release the petitioner on bail.

6. *Per contra*, learned Additional Public Prosecutor appearing on behalf of respondent opposed the bail petition and submitted that the petitioner is involved in a 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.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that since the seized contraband is an intermediate quantity and the petitioner is languished in jail since 16.02.2025 and the material part of the investigation is completed, this Court is inclined to grant bail to the petitioner subject to the following conditions;

- i) The petitioner/accused is enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the II Additional Junior Civil Judge-cum-VI Additional Metropolitan Magistrate, Medchal-Malkajgiri District.
- ii) On such release, the petitioner/accused shall appear before the S.H.O., Prohibition and Excise Station, Uppal on every Monday at 11-00 a.m. for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required by the police.
- iii) The petitioner/accused shall abide by the conditions

stipulated under Section 483(3) of BNSS (438(2) of Cr.P.C.) and shall cooperate with the Investigating Officer in the investigation. under Section 483(3) of BNSS.

iv) After release, if the petitioner/accused is involved in similar offence, the bail granted by this Court shall stands cancelled.

8. 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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