

THE HON'BLE SRI JUSTICE J.SREENIVASRAO

CRIMINAL PETITION No.3824 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.2, seeking bail in NDPS SC No.9 of 2025, on the file of I Additional District and Sessions Judge at Sangareddy in COR No.459 of 2011-12 of Prohibition and Excise Station, Narayankhed, registered for the offence punishable under Sections 8(c) read with Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, 'NDPS Act').

2. Heard Sri B.Manav Kumar, learned counsel, representing Sri Kasireddy Mohan Chandra, 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 01.03.2012, at 9:30 AM, an enforcement team raided the

house of Bavuru and Jai Singh in Pathu Naik Thanda, Enkapally Village, and seized 180 kgs of dry ganja from 10 plastic bags. Two samples of 100 grams each were drawn for chemical analysis. The accused persons fled the scene, and a case was registered under Section 20(b)(ii) of the NDPS Act showing accused Nos.1 and 2 as absconding.

4. 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.2. He further submitted that the police violated the provisions of Section 52-A of the NDPS Act and the petitioner was arrested on 12.12.2024 i.e., after lapse of more than 12 years from the registration of the case and since then he is in judicial custody. The petitioner is ready to abide by the conditions, which are going to be imposed by this Court. The petitioner is not involved in any similar offence. He also submitted that accused No.1 approached this Court and filed Criminal Petition No.1765 of 2025, and the same was allowed on 18.02.2025. 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 allegations levelled against the petitioner are serious in nature and the petitioner committed a grave offence, which is punishable under the provisions of NDPS Act. 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 crime was registered in the year 2012, but the petitioner was arrested on 12.12.2024. Entire investigation is completed and charge sheet is also filed and numbered as S.C.No.9 of 2025. Even according to the learned Additional Public Prosecutor, there are no other pending cases against the petitioner. Taking into consideration the facts and circumstances, especially this Court granted bail to accused No.1, this Court is inclined to grant bail to the petitioner/accused No.2, subject to the following conditions;

- i) The petitioner/accused No.2 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 I Additional District and

Sessions Judge, Sangareddy.

- ii) On such release, the petitioner/accused No.2 shall appear before the concerned Court in S.C.No.9 of 2025 regularly on each and every adjournment.
 - iii) The petitioner/accused No.2 shall abide by the conditions stipulated under Section 483(3) of BNSS (438(2) of Cr.P.C.)
 - iv) After release, if the petitioner/accused No.2 is involved in similar offence, 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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