

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3858 of 2025

ORDER:

This criminal petition is filed by the petitioner/A3 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) to enlarge him on bail in COR No.234 of 2024 of Dhoolpet Prohibition and Excise Station, Hyderabad, registered for the offence punishable under Section 8(c) read with 20(u)(ii)(C) of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. The case of the prosecution is that on 20.08.2024, on receipt of credible information that Ganja is being illicitly transported, the Prohibition and Excise Inspector along with his staff reached Chisthi Chaman Masjid beside Seetharambagh temple premises, Mangalhat, Dhoolpet, Hyderabad and intercepted the Maruti Suzuki Swift vehicle bearing registration No.OR 02 BX 4343 and found 2 bundles of Ganja under the seats and under the cover of panchanama the excise officials have seized the vehicle and

registered a case in COR.No.234 of 2024 for the above said offences.

3. Heard Sri B. Upender, learned counsel representing Sri R. Thirupathi, learned counsel for the petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioner submits that the petitioner has not committed the offence and he was falsely implicated in the present crime. He further submits that the police have not seized the contraband from the petitioner and he was arrested through PT warrant on 24.12.2024 basing on the confession statement given by Accused Nos.1 and 2 and since then he is in judicial custody. He further submits that Accused Nos.1 and 2 were already enlarged on bail and the petitioner is ready and willing to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed grave offence under the provisions of the NDPS Act and investigation is under progress. Therefore, at this stage, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the petitioner was arrested through PT warrant on 24.12.2024 and since then he is in judicial custody and even according to the learned counsel for the petitioner, Accused Nos.1 and 2 were already enlarged on bail and the same is not disputed by the learned Additional Public Prosecutor.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner on the following conditions:

- (1) The petitioner/A3 is enlarged on bail on executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousands only) with two sureties for a like sum each to the satisfaction of the I Additional Chief Judicial Magistrate, Nampally, Hyderabad.

(2) The petitioner/A3 shall appear before the concerned SHO at 11:00 A.M. on every Monday for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter as and when required.

(3) After release, if the petitioner involves in the very same offence, the bail, which was granted by this Court, shall stand cancelled.

(4) The petitioner/A3 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

8. Accordingly, the criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 25.03.2025
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