

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3966 of 2025

ORDER:

This criminal petition is filed by the petitioners/A1 and A2 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) to enlarge them on bail in Crime No.1008 of 2024 of Film Nagar Police Station, Hyderabad, registered for the offence punishable under Section 8(c) read with Sections 22(c), 27 and 29 of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. The case of the prosecution is that on 27.12.2024, on receipt of credible information, the Sub-Inspector of Police, Film Nagar Police Station, along with his staff proceeded towards Graveyard beside Kotta Cheruvu, Ambedkar Nagar, Film Nagar, Hyderabad and apprehended the petitioners along with Accused No.3 and seized 17.380 grams of MDMA and recorded their confession, wherein involvement of Accused Nos.4 to 13 came into light.

Basing on the said complaint, a case in Crime No.1008 of 2024 was registered for the above said offences.

3. Heard Sri Mohd. Baseer Riyaz, learned counsel representing Sri Md. Khurram Rabbani, learned counsel for the petitioners, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioners submits that the petitioners have not committed the offence and they were falsely implicated in the present crime. He further submits that even according to the allegations leveled in the complaint, the contraband seized from the petitioners and other accused is below commercial quantity and the material part of investigation is completed. He further submits that the petitioners were arrested on 27.12.2024 and since then they were in judicial custody and that they are ready and willing to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court. He further submits that the petitioners are not accused in any other case, including similar offence.

5. Per contra, learned Additional Public Prosecutor submits that the petitioners have committed grave offence and the investigation is under progress. Therefore, at this stage, the petitioners are not entitled for grant of bail. However, he has not disputed that the petitioners have not involved in any other crime.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the petitioners were arrested on 27.12.2024 and since then they are in judicial custody and that they are not involved in any other crime.

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

(1) The petitioners/A1 and A2 are enlarged on bail on executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousands only) each with two sureties for a like sum each to the satisfaction of the I Additional Sessions Judge, Hyderabad.

(2) The petitioners/A1 and A2 shall appear before the concerned SHO at 11:00 A.M. on every Monday commencing from 07.04.2025 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) The petitioners/A1 and A2 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: 26.03.2025
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