

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4294 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarika Suraksha Sanhita, 2023 (for short, 'BNSS') seeking regular bail to the petitioner/accused No.6 in Crime No.89 of 2020 of Prohibition and Excise Station, Zaheerabad, Sanga Reddy District 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 (for short 'NDPS Act').

2. The case of prosecution in brief is that on 13.09.2020, at about 12-30 hours, on receipt of credible information, the AC Enforcement Team conducted route watch in front of Pariwar Dhaba, Zaheerabad and detected a case of illegal transportation of dry ganja in lorry bearing No. MH 12 LT 9727 and seized 600 kgs of dry ganja. Basing on the same, COR No.89 of 2020 was registered for the aforesaid offences.

3. Heard Mr.Sumanth Ravuri, learned counsel, representing Mr.Medisi Ratna Rao, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence and he was falsely implicated in the present crime and the contraband was seized from the possession of accused Nos.1 to 5 only and the ingredients of Sections 8(c) read with Section 20(b)(ii)(c) of NDPS Act are not applicable to the petitioner. He further submitted that the petitioner was arrested on 19.12.2024 and since then he is in judicial custody. He also submitted that the very same allegations are levelled against accused No.7 and he approached this Court and filed Criminal Petition No.4174 of 2025 and the same was allowed and granted bail to accused No.7 on 01.04.2025. The petitioner is ready and willing to cooperate with the investigation and will abide by the conditions, which are going to be imposed by this Court and therefore, the petitioner is entitled for grant of bail.

5. On the other hand, learned Additional Public Prosecutor opposed the same and submitted that the contraband, which was seized from the petitioner and other accused, is more than commercial quantity and the petitioner has committed a grave offence, which is punishable under the provisions of NDPS Act and the investigation is under progress. Therefore, if the petitioner is granted bail, there is every chance to influence the witnesses and

to interfere with the investigation. Hence, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that even according to the remand report, the contraband was seized from accused Nos.1 to 5 and the petitioner was arrested on 19.12.2024 and since then he is in judicial custody. The record further reveals that accused No.7 had approached this Court and filed Criminal Petition No.4174 of 2025 and bail was granted to him *vide* order dated 01.04.2025 and the very same allegations are levelled against the petitioner herein. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.6, subject to the following conditions;

- i) The petitioner/accused No.6 is enlarged on bail on his executing 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 the I Addl. District and Sessions Judge, Sanga Reddy District.
- ii) The petitioner/accused No.6 shall appear before the concerned S.H.O., on every Monday at 11-00 A.M. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

- iii) The petitioner/accused No.6 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C. (presently 480(3) of BNSS).
- iv) After release, if the petitioner/accused No.6 is involved in similar offence, the bail granted by this Court shall be cancelled.
- v) Petitioner/accused No.6 shall not interfere with the investigation or influence the witnesses.

7. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

Date: 03.04.2025.

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J. SREENIVAS RAO, J