

THE HON'BLE SRI JUSTICE J.SREENIVASRAO

CRIMINAL PETITION No.4535 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 No.2, seeking bail in Crime No.452 of 2024 of Malakpet Police Station, 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. The case of prosecution in brief is that the Police conducted raid on 16.12.2024, on receipt of credible information that some persons are traveling in White Baleno Car bearing No.TG07ETR3341 accompanied by KTM bike bearing No.TS09GE5325 and are transporting prohibited ganja. Thereby, they seized contraband of 30 kgs. from the possession of accused persons, including the petitioner. Basing on the same, Crime No.452 of 2024 was registered.

3. Heard Mr.R.Prashanth, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent person and he has not committed any offence and he was falsely implicated in the present crime and the contraband was seized from other accused and there are no specific allegations against the petitioner to show that he was committed an offence, which is punishable under the provisions of NDPS Act. The petitioner was arrested on 16.12.2024 and since then he is in judicial custody. The petitioner is a worker at Petrol Depot and he is the only bread winner in his family and entire investigation is completed except filing of charge sheet. The petitioner is ready and willing to cooperate with the investigation and he will abide by the conditions, which are going to be imposed by this Court. 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 petitioner has committed a grave offence and the contraband i.e., 30 kgs

of ganja was seized from the petitioner and other accused, which is a commercial quantity. He further submitted that earlier the petitioner has approached this Court and filed Criminal Petition No.1439 of 2025 and the same was dismissed on 13.02.2025. Moreover, the investigation is under progress. Therefore, he 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 police seized 30 kgs. of ganja from the petitioner and other accused and he was arrested on 16.12.2024 and since then he is in judicial custody i.e. more than 111 days and he is the only bread winner in his family. Even according to the learned Additional Public Prosecutor, 14 witnesses were already examined. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner 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.30,000/- (Rupees Thirty Thousand only) with two sureties for a like sum each to the satisfaction of the VII Additional Chief Judicial Magistrate, Nampally, Hyderabad.

- ii) On such release, the petitioner/accused No.2 shall appear before the S.H.O., Malakpet P.S., 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 No.2 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C and shall cooperate with the Investigating Officer in the investigation.
- iv) After release, if the petitioner/accused No.2 has committed similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.

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: 07.04.2025

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