

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4327 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.415 of 2024 of Maheshwaram Police Station, registered for the offence punishable under Section 8(c) read with Section 20(b)(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 01.12.2024 at 18:00 hours, on receipt of credible information that the petitioners were transporting ganja from Thallapalem near Thuni by TATA ACE Goods Carrier Auto No.TS 16 UD 0196, visited the said place and seized 62.428 Kgs of Ganja from the petitioners and other accused. Basing on the said complaint, Crime No.415 of 2024 was registered for the above said offence.

3. Heard Sri R. Raj Kumar, learned counsel representing Sri D. Suryanarayana, 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 the police without following the mandatory procedure prescribed under Section 52 of the NDPS Act, registered the crime. He further submits that the petitioners were arrested on 01.12.2024 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 material part of investigation is completed and the petitioners are not having any criminal antecedents.

5. Per contra, learned Additional Public Prosecutor submits that the petitioners have committed grave offence and the contraband seized from the petitioners and other accused is more than commercial quantity and that investigation is under progress. At this stage, the

petitioners are not entitled for grant of bail. However, he has not disputed that the petitioners are not having any criminal antecedents.

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 01.12.2024 and since then they are in judicial custody and according to the learned Additional Public Prosecutor, material part of investigation is completed and 17 witnesses were examined, the petitioners are not having any criminal antecedents and are not involved in any other crime, including similar offence.

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 personal bond for a sum of Rs.30,000/- (Rupees Thirty Thousands only) each with two sureties for a like sum each to the satisfaction of the I Additional District and Sessions Judge, Ranga Reddy at L.B. Nagar.

(2) The petitioners/A1 and A2 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 petitioners commit the very same offence, the respondent State is granted liberty to file an application for cancellation of the bail.

(4) 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: 04.04.2025
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