

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4386 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.3 in Crime No.1431 of 2024 on the file of P.S. Pet-Basheerabad, Cyberabad, registered for the offences punishable under Section 8(c) r/w 22(c), 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of prosecution in brief is that on 07.11.2024 at 17:30 hours, on receipt of credible information that one person is selling MDMA drug, Police proceeded to the place of offence and apprehended petitioner and other accused and seized 20 grams of MDMA. Basing on the same, Crime No.1431 of 2024 was registered.

3. Heard Mr.M.Muralidhar, learned counsel representing Mr.Rathan Singh, learned counsel for the petitioner and Mr.Syed

Yasar Mamoon, learned Additional Public Prosecutor for the respondent No.1-State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent person and he did not commit any offence as alleged against him and he was falsely implicated in this crime. He further submitted that entire allegations are levelled against the other accused and the contraband was also seized from them. He further submitted that the petitioner was arrested on 07.11.2024 and since then he has been in judicial custody and he is not having criminal antecedents. He further submitted that the petitioner is worker in bakery by profession and entire family is depending on his income. He further submitted that material part of the investigation is completed and the petitioner is ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court. Therefore, he prays to release the petitioner on bail.

5. On the other hand, learned Additional Public Prosecutor opposed the bail stating that the petitioner is involved in a grave offence and 20 grams of MDMA was seized from the petitioner

and other accused, which is a commercial quantity and the investigation is under progress. Hence, at this stage, the petitioner 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 petitioner is in jail since 07.11.2024 and no criminal antecedents are reported against the petitioner and material part of the investigation is completed. Even according to the learned Additional Public Prosecutor, 12 witnesses were already examined.

7. Taking into consideration the said facts, this Court is inclined to grant bail to the petitioner/accused No.3 subject to the following conditions.

- (i) The petitioner/accused No.3 shall be released on bail on 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 IX Judicial First Class Magistrate at Medchal, Cyberabad.

- (ii) The petitioner/accused No.3 shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday 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.
 - (ii) The petitioner/accused No.3 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.
 - (iv) After release, if the petitioner/accused No.3 is involved in similar offence, the bail granted by this Court shall be cancelled.
8. 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: 03.04.2025
vsl