

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4377 of 2025

ORDER:

This criminal petition is filed by the petitioner/A3 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) to grant regular bail in Crime No.407 of 2024 of Nampally Police Station, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(C) and Section 29 of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. The case of the prosecution is that on 14.12.2024 at about 1535 hours, on credible information, the Sub-Inspector of Police, P.S.Nampally, along with staff proceeded towards Nampally Railway Station, Hyderabad and apprehended the petitioner/A3 and Accused Nos.1 and 2 in suspicious circumstances and seized 30.00 kgs of Ganja from their possession and registered a case in Crime No.407 of 2024 for the above said offences.

3. Heard Sri M. Mahesh, learned counsel representing Smt. B. Rajani, learned counsel for the petitioner, and Sri

Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioner submits that the petitioner has not committed the offence and he was falsely implicated in the present crime. He further submits that the entire allegations were levelled against Accused Nos.1 and 2 and the ingredients under the provisions of the NDPS Act do not attract the petitioner. He further submits that the contraband was seized from Accused Nos.1 and 2 and basing on their confession statement, the petitioner was implicated in the present crime. He further submits that the petitioner was arrested on 14.12.2024 and since then he is in judicial custody and that he is 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 petitioner is not having any criminal antecedents and eking out his livelihood by doing Fast Food Center Master.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed grave offence

under the provisions of the NDPS Act and the investigation is under progress. The contraband seized from the petitioner and other accused was 30.00 Kgs of Ganja, which is commercial quantity, and therefore, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 14.12.2024 and since then he is in judicial custody and according to the learned Additional Public Prosecutor the petitioner is not having any criminal antecedents and that material part of investigation is completed.

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

(1) The petitioner/A3 is enlarged on bail on executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousands only) with two sureties for a like sum each to the satisfaction of the XII Additional Chief Judicial Magistrate at Nampally.

(2) The petitioner/A3 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 petitioner commits similar offence, the bail, which was granted by this Court, shall stand cancelled.

(4) The petitioner/A3 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: 03.04.2025
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