

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4555 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.452 of 2024 on the file of Prohibition and Excise Station, Malakpet, Hyderabad, registered for the offences punishable under Section 8(C) r/w 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of prosecution in brief is that accused No.1 became acquainted with accused No.2 while they were in Khammam jail. After their release from jail, they along with accused Nos.3 to 5 formed a group and decided to procure ganja from Odisha through one Sanjay Nayko, a resident of Odisha. They planned to sell the ganja at higher prices in Hyderabad and Khammam areas and share the profits equally. As per their plan, accused Nos.1 to 3 went to Odisha on 12.12.2024 in a Baleno car and purchased 30 kgs of ganja (flowering tops with fruiting buds) for Rs.75,000/- from Sanjay Nayko. Accused are going ahead of the car on their bike

to scout for and alert the group of any police checks, facilitating an escape if needed. On 16.12.2024, at around 15:45 hours, the group reached Gaddiannaram X road, Hyderabad, the police intercepted and apprehended them. Hence, Crime No.452 of 2024 was registered.

3. Heard Mr.B.Srinivas 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 submitted that petitioner is no way concerned with the seizure of contraband and the contraband was seized from the possession of other accused and he was falsely implicated in the said crime. He further submitted that the petitioner was arrested on 16.12.2024 and since then he is in judicial custody. He further submitted that similar allegations are leveled against accused No.4, as they were against petitioner/accused No.3 and this Court granted bail to accused No.4 on 19.03.2025 in Criminal Petition No.3585 of 2025. He further submitted that entire investigation is completed, except filing of charge sheet 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 and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.3 has committed grave offence under the provisions of NDPS Act and investigation is under progress. Hence, 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 petitioner was arrested on 16.12.2024 and entire investigation is completed, except filing of charge sheet and accused No.4 in the said crime was already enlarged on bail.

7. Taking into consideration the above facts and circumstances of the case, 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 execute a personal bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the

VII Additional Chief Judicial Magistrate,
Nampally, Hyderabad.

(ii) After release, 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.

(iii) 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 Public Prosecutor is entitled to file necessary application seeking cancellation of bail.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 04.04.2025
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