

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4385 of 2025

ORDER:

This criminal petition is filed by the petitioner/A1 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) to grant regular bail in Crime No.15 of 2025 of Prohibition and Excise Station, Malkajgiri, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(E) of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. The case of the prosecution is that the Inspector, Prohibition and Excise Department, Malkajgiri, lodged a complaint on 04.03.2025 stating that on receipt of information that illegal sale and purchase of Ganja was taking place beside Railway Track Bridge, East Anand Bagh, Malkajgiri, visited the said premises along with panchas and seized 1.301 Kgs of Ganja from the petitioner and other accused. Basing on the said complaint, Crime No.15 of 2025 was registered for the above said offence.

3. Heard Sri K. Rohit, 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 ingredients of Section 8(c) read with Section 20(b)(ii)(E) of the NDPS Act do not attract to the petitioner and the police seized the contraband of 1.301 Kgs of Ganja, which is an intermediate quantity. He further submits that the petitioner was arrested on 04.03.2025 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 he is not involved in any other crime.

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

under the provisions of the NDPS Act and investigation is under progress. At this stage, 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 police seized the contraband of 1.301 Kgs of Ganja, which is an intermediate quantity, and the petitioner was arrested on 04.03.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents.

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/A1 is enlarged on bail on executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousands only) with two sureties for a like sum each to the satisfaction of the I Additional Junior Civil Judge-cum-I Additional Metropolitan Magistrate, Malkajgiri.

(2) The petitioner/A1 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) The petitioner/A1 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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