

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4480 of 2025

ORDER:

This criminal petition is filed by the petitioner/A11 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) to enlarge him on bail in Crime No.553 of 2024 of S.R. Nagar Police Station, registered for the offence punishable under Section 8(c) read with Sections 20(b)(ii)(C), 27 and 29 of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. The case of the prosecution is that on 20.06.2024 at 0830 hours, while the Sub-Inspector of Police, S.R. Nagar, Hyderabad along with his staff were performing patrolling duties at ABC Hotel, Shiva Bagh Colony, Ameerpet, Hyderabad, they apprehended Accused Nos.1 to 3 and seized 40 grams of Ganja from them. Basing on their confessional statements, they came to know that Accused Nos.4 to 34, including the petitioner were involved in the crime. On the same day, the police arrested Accused Nos.4 to 6 and seized 21.00 Kgs of Ganja. Basing on the said

complaint, Crime No.553 of 2024 was registered for the above said offences.

3. Heard Sri Mohd. Fasiuddin, learned counsel for the petitioner appearing through video conference, 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 the provisions of NDPS Act do not attract to the petitioner even according to the allegations leveled against him. He further submits that the petitioner was arrested on 26.02.2025 and since then he was 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 contraband was seized from the other accused and the entire material part of investigation is completed except filing of charge sheet. He further submits that Accused Nos.4 and 5 filed CrI.P.No.9585 of 2024 and the same was

allowed and they were granted regular bail. Therefore, the petitioner is also entitled for the same benefit.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has 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 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 22.02.2025 and since then he is in judicial custody and according to the learned Additional Public Prosecutor, the petitioner is not involved in similar offence or any other crime as accused and that this Court has already granted bail in favour of Accused Nos.4 and 5 in CrI.P.No.9585 of 2024.

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/A11 is enlarged on bail on executing personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousands only) with two sureties for a like sum each to the satisfaction of the III Additional Chief Judicial Magistrate at Nampally, Hyderabad.

(2) The petitioner/A11 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 the very same offence, the respondent State is granted liberty to file an application for cancellation of the bail.

(4) The petitioner/A11 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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