

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4559 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.20 of 2024 on the file of Gudihathnoor Police Station, Adilabad, registered for the offences punishable under Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 29.02.2024, the police apprehended Accused No.1 while she was in illegal possession and transporting 28.155 Kgs of Ganja on TVS Jupiter Gry Colour Scooty bearing No.MH 37 AE 6121 and on interrogation she confessed that she purchased the same from Accused No.4 at low price and transporting the same to Washim District of Maharashtra State to sell the same to the petitioners at higher rates. On 11.05.2025, the police apprehended the petitioners and on interrogation they confessed their guilt. Hence, the police registered the above crime for the above said offence.

3. Heard Mr.Hemanth Kumar, 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 entire allegations were levelled against other accused and the contraband was seized from Accused No.1. He further submitted that the petitioner was arrested on 11.01.2025 and since then he is in judicial custody and he is not having criminal antecedents. He further submitted that similar allegations are leveled against accused No.2, as they were against petitioner/accused No.3 and this Court granted bail to accused No.2 on 18.03.2025 in Criminal Petition No.3259 of 2025 and 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 28.155 Kgs of Ganja was seized from possession of 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 petitioner was arrested on 11.01.2025 and entire investigation is completed, except filing of charge sheet and accused No.2 in the said crime was already enlarged on bail. Even according to the learned Additional Public Prosecutor, no criminal antecedents are reported against the petitioner.

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.30,000/-(Rupees Thirty Thousand only) with two sureties for a like sum each to the satisfaction of the I

Additional District and Sessions Judge,
Adilabad.

(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

vsl