

THE HON'BLE SRI JUSTICE J.SREENIVASRAO

CRIMINAL PETITION No.4481 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.3, seeking bail in Crime No.716 of 2024 of Begumpet Police Station, Hyderabad, registered for the offence punishable under Sections 22(c), 27, 29 and 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, 'NDPS Act').

2. The case of prosecution in brief is that on 29.11.2024 at about 11-45 hours accused Nos.2 to 7 were found in possession of 125 grams of Amphetamine (total weight is 254 grams including the weight of containers). Therefore, a case in Crime No.716 of 2024 was registered against the petitioner and other accused for the aforesaid offences.

3. Heard Mr. S.Chandrashekhar Yadav, learned counsel for the petitioner and Mr.Syed Yasar Moon, learned Additional Public Prosecutor appearing for

respondent-State.

4.1 Learned counsel for the petitioner submitted that the petitioner has not committed any offence and she was falsely implicated in this case as accused No.3. The police seized the contraband from the other accused and basing on the confession statement given by accused No.2, the police have implicated the petitioner as accused No.3. He further submitted that the petitioner is having two kids and except her, no one is there to look after their welfare.

4.2 He further submitted that the investigating officer had issued notice under Section 35(3) of BNSS against accused Nos.4 to 7 and material part of the investigation is already completed. The petitioner was arrested on 30.11.2024 and since then she is in judicial custody and the petitioner is ready and willing to cooperate with the investigation pending if any, and also abide by the conditions, which are going to be imposed by this Court. The petitioner is not involved in any similar offence. Therefore, he prayed to release the petitioner on bail.

5. *Per contra*, learned Additional Public Prosecutor

appearing on behalf of respondent opposed the bail petition and submitted that the petitioner has committed grave offence, which is punishable under the NDPS Act and the contraband seized from the petitioner is more than commercial quantity. Moreover, the investigation is not yet completed. Therefore, if the petitioner is granted bail, she will influence the witnesses and interfere with the investigation. Hence, he prays to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 30.11.2024 and since then she is in judicial custody. Even according to the learned counsel for the petitioner, petitioner's husband was also arrested and he is in jail and the petitioner is having two kids and except her, no one is there to look after their welfare. According to the learned Additional Public Prosecutor, there are no criminal antecedents against the petitioner and eleven witnesses were already examined. Taking into consideration the 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 is enlarged on bail on her executing 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 learned Sessions Judge, Nampally at Hyderabad.
- ii) 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 weeks or till filing of 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 conditions stipulated under Section 483(3) of BNSS.
- iv) After release, if the petitioner/accused No.3 is involved in similar offences, the bail granted by this Court shall stands cancelled.

7. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 09.04.2025

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