

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4487 of 2025

ORDER:

This criminal petition is filed by the petitioners/A2 to A4 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) to enlarge them on bail in Crime No.712 of 2024 of Balanagar Police Station, Medchal-Malkajgiri District, registered for the offence punishable under Section 8(c) read with Sections 20(b)(ii)(C) 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 31.10.2014 at 1500 hours, on receipt of credible information that there would be exchange of illegal trafficked prohibited drug Hashish Oil (Hash Oil) behind TGs RTC bus stop, near Vimal Theater, Balanagar, visited the said place and seized the contraband of 2.590 grams of Hashish Oil from the petitioners. Basing on the said complaint, Crime No.712 of 2024 was registered for the above said offences.

3. Heard Sri R. Sai Sumanth, learned counsel for the petitioners, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioners submits that the petitioners have not committed the offence and they were falsely implicated in the present crime. He further submits that the police without following the mandatory procedure prescribed under Section 52 of the NDPS Act, registered the crime and that the ingredients of the above said sections are not applicable to the petitioners. He further submits that the petitioners were arrested on 31.10.2024 and since then they were in judicial custody and that they are 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 entire allegations were levelled against Accused No.1 only and material part of investigation is completed.

5. Per contra, learned Additional Public Prosecutor submits that the petitioners have committed grave offence and the contraband seized from the petitioners and other

accused is 2.590 grams of Hash Oil, which is a commercial quantity. He further submits that as per the provisions of Section 37 of the NDPS Act, petitioner Nos.1 and 3/A2 and A4 are not entitled for grant of bail on the ground that they are involved in similar offence.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that according to the learned Additional Public Prosecutor petitioner Nos.2/A3, namely, Ramavath Lulu is not involved in any other offence and he was arrested on 31.10.2024. Insofar as the other petitioners are concerned i.e., petitioner No.1/A2 is involved in Crime No.92 of 2021 and petitioner No.3/A4 is involved in 3 crimes i.e., Crime Nos.54 of 2022, 152 of 2022 and 123 of 2023.

7. Taking into consideration the facts and circumstances of the case, this Court is not inclined to grant bail to petitioner Nos.1 and 3/A2 and A4. Accordingly, this petition is dismissed against petitioner Nos.1 and 3. Insofar as petitioner No.2/A3 is concerned,

this Court is inclined to grant bail to him on the following conditions:

(1) Petitioner No.2/A3 is enlarged on bail on executing 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 XIII Additional Metropolitan Magistrate at Kukatpally, Cyberabad..

(2) Petitioner No.2/A3 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 petitioner No.2/A3 commits the very same offence, the respondent State is granted liberty to file an application for cancellation of the bail.

(4) Petitioner No.2/A3 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 in part.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 04.04.2025
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