

THE HONOURBLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 4506 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/accused No.2 seeking anticipatory bail in the event of his arrest in Crime No.517 of 2024 of Afzalgunj Police Station, Hyderabad, for the offences punishable under Sections 8(c) read with 22(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act') and Section 34(a) of the Telangana State Excise Act.

2. Heard Mr. E. Madan Mohan Rao, learned Senior Counsel representing Mr. M. Srinivas, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent-State.

3. The case of prosecution in brief is that on 25.11.2024 at about 11.30 hours, while the Sub-Inspector of Police, Afzalgunj Police Station along with staff were conducting surprise checking at Mahatma Gandhi Bus Stand, they found accused No.1 in suspicious condition and they apprehended him and seized 500 grams of Alprazolam from him. The Police recorded the confessional statement of accused No.1, where under the

involvement of the petitioner/accused No.2 and other accused came into light. The police seized the contraband under a cover of panchanama and filed complaint.

4. Learned Senior Counsel appearing for the petitioner submitted that the petitioner has not committed the alleged offences and he was falsely implicated in the present crime. The contraband was seized from accused No.1 and basing upon his confessional statement, the petitioner was implicated as accused No.2 in the present crime. The ingredients of 8(c) read with 22(C) and 29 of the NDPS Act and Section 34(a) of the Telangana State Excise Act, are not attracted against the petitioner. The petitioner has not involved in any other crime and material part of the investigation is completed. The petitioner is ready and willing to cooperate with the investigation and also comply with the conditions, which are going to be imposed by this Court. Hence, the petitioner may be granted anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the contraband seized from the petitioner and other accused is 500 grams of Alphrazolam, which is a commercial quantity. The petitioner has committed grave offence under the provisions of the NDPS Act and the investigation is under progress. Hence, at this stage, the petitioner is not entitled for grant of anticipatory bail. If

the petitioner is enlarged on bail, he will interfere with the investigation and also influence the witnesses.

6. Having considered the rival submissions made by the respective parties and after perused the material available on record, it reveals that the police seized the contraband from the possession of accused No.1 and basing on his confessional statement, the petitioner was implicated as accused No.2 in the present crime. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents. The material part of the investigation is completed. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.2 with the following conditions:

- (i) The petitioner is directed to surrender before the S.H.O., Afzalgunj Police Station, Hyderabad, on or before 11.04.2025 and on such surrender, he shall be enlarged on bail on executing a personal bond for a sum of Rs.50,000/-(Rupees fifty thousand only) with two sureties for a like sum each.
- (ii) On such release, the petitioner shall appear before the S.H.O., Afzalgunj Police Station, Hyderabad, on every Monday at 11:00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.

- (iii) The petitioner shall abide by the conditions stipulated under Section 482 (2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.
- (iv) After release, if the petitioner involved for the same offence, the respondent State is granted liberty file application seeking cancellation of bail.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 04.04.2025

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