

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION Nos.4515 and 4516 of 2025

COMMON ORDER:

Since both the criminal petitions are arising out of Crime No.22 of 2025, both the criminal petitions are heard together and disposed of by this common order.

2. These Criminal Petitions are filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioners/accused Nos.1 and 2 in Crime No.22 of 2025 on the file of P.S.Kanchanbagh, Hyderabad, registered for the offences punishable under Sections 8(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

3. The case of the prosecution is that on 19.02.2025, on receipt of credible information, Police apprehended the petitioners and seized 11 grams of MDMA. Basing on the same, a case was registered in Crime No.22 of 2025.

4. Heard Mr.Ibad Ur Rehman Khan, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioners submitted that petitioners have not committed alleged offence and they were falsely implicated in the said crime. He further submitted that the Police without following the mandatory procedure prescribed under the provisions of the NDPS Act, seized the contraband. He further submitted that the petitioners were arrested on 19.02.2025 and since then they are in judicial custody and they are not having criminal antecedents. He further submitted that entire investigation is completed, except filing of charge sheet and the petitioners are 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.

6. *Per contra*, learned Additional Public Prosecutor submitted that petitioners have committed grave offence under the provisions of NDPS Act and 11 grams of MDMA was seized from possession of the petitioners and other accused, which is a commercial quantity. He further submitted that the petitioners are involved in similar offence

in Crime No.91 of 2023 and the investigation is under progress. Hence, at this stage, the petitioners are not entitled for grant of bail.

7. By way of reply, learned counsel for the petitioners submitted that petitioners have not committed similar offence in Crime No.91 of 2023 as alleged by the learned Additional Public Prosecutor and that they were falsely implicated in the said crime.

8. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that petitioners were arrested on 19.02.2025 and entire investigation is completed, except filing of charge sheet. According to the learned Additional Public Prosecutor, 13 witnesses were already examined.

9. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioners/accused Nos.1 and 2, subject to the following conditions:

- (i) The petitioners/accused Nos.1 and 2 shall execute a personal bond for a sum of Rs.30,000/- (Rupees Thirty Thousand only) each with two sureties for a like sum each to the satisfaction of II Additional Sessions Judge, Hyderabad.

(ii) After release, the petitioners/accused Nos.1 and 2 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 petitioners/accused Nos.1 and 2 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 petitioners/accused Nos.1 and 2 are involved in similar offence, the Public Prosecutor is entitled to file necessary application seeking cancellation of bail.

10. Accordingly, the Criminal Petitions are allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 08.04.2025

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