

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4617 of 2025

ORDER:

This criminal petition is filed by the petitioner/A1 under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS) for grant of anticipatory bail to her in Crime No.10 of 2025 of Gudimalkapur Police Station, Hyderabad, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(B) of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. The case of the prosecution is that on 23.01.2025 at about 0700 hours, on receipt of credible information that two persons is in possession and selling of Ganja in front of OLA Showroom, near Pillar No.44, Rethibowli, Gudimalkapur, the Sub-Inspector of Police, Gudimalkapur Police Station, Hyderabad along with his staff, mediators etc., visited the said premises and seized the contraband of 1050 grams of Ganja from Accused Nos.3 and 4 and arrested them. Basing on the said complaint, Crime No.10 of 2025 was registered for the above said offences.

3. Heard Sri Neeraj Prasad, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioner submits that the petitioner has not committed the offence and she was falsely implicated in the present crime. He further submits that even according to the allegations made in the complaint, the contraband seized from the other accused is 1.05 Kgs of dry Ganja, which is an intermediate quantity. Therefore, the provisions of the NDPS Act do not attract to the petitioner. Basing on the confessional statements of Accused Nos.3 and 4 only, the petitioner was falsely implicated in the present crime and that the petitioner is not having any criminal antecedents. The petitioner is having small children and she is ready and willing to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner and other accused have committed grave offence and investigation is under

progress. At this stage, the petitioner is not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the police have seized the contraband of 1.05 Kgs of dry Ganja, which is an intermediate quantity. According to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions:

(1) The petitioner/A1 is directed to surrender before the Station House Officer, Gudimalkapur Police Station, Hyderabad, on or before 12.04.2025.

(2) On such surrender, the Station House Officer shall release the petitioner on bail on her executing a 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 said officer.

(3) On such release, the petitioner/A1 shall appear before the Station House Officer, Gudimalkapur Police Station, Hyderabad, on every Monday at 11:00 a.m., 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 for investigation.

(4) After release, if the petitioner commits the very same offence, the respondent State is at liberty to file an application seeking cancellation of the bail granted by this Court.

(5) The petitioner/A1 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

8. Accordingly, the criminal petition is allowed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 08.04.2025
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