

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4603 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.6 in Crime No.767 of 2024 on the file of Abdullapurmet Police Station, Rachakonda, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 27-A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 23.12.2024, on receipt of credible information that Hashish Oil is being transported from Odisha State to Hyderabad in Swift Car bearing No.OD-30-E-4049, the seizing officer along with his staff went opposite to Krishnaveni Talent School and apprehended petitioner along with other accused and seized 4.310 litres of Hashish Oil. Basing on the same, a case was registered in Crime No.767 of 2024.

3. Heard Ms.V.Deena, learned counsel representing Mr.Rapolu Bhaskar, learned counsel for the petitioner and Mr.Syed Yasar

Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the said crime. She further submitted that the Police without following the mandatory procedure prescribed under the provisions of the NDPS Act, seized the contraband. She further submitted that the petitioner was arrested on 26.02.2025 and since then he is in judicial custody. She further submitted that petitioner is eking out his livelihood by running Kirana General Stores and he is not having criminal antecedents. She further submitted that entire investigation is completed, except filing of charge sheet and the petitioner is 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.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.4 has committed grave offence under the provisions of NDPS Act and 4.310 litres of Hashish Oil was seized from possession of the petitioner and other accused, which is a

commercial quantity and the investigation is under progress. Hence, at this stage, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that petitioner was arrested on 26.02.2025 and entire investigation is completed, except filing of charge sheet. Even according to the learned Additional Public Prosecutor, no criminal antecedents are reported against the petitioner.

7. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.6, subject to the following conditions:

(i) The petitioner/accused No.6 shall execute 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 XIV Additional Metropolitan Magistrate, Cyberabad, at Hayathnagar.

(ii) After release, the petitioner/accused No.6 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 petitioner/accused No.6 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 petitioner/accused No.6 is involved in similar offence, the Public Prosecutor is entitled to file necessary application seeking cancellation of bail.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 08.04.2025

vsl