

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4612 of 2025

ORDER:

This Criminal Petition is filed by the petitioner/A4 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') to enlarge him on bail in Crime No.375 of 2024 on the file of Bibinagar Police Station, Yadadri-Bhongir District, Rachakonda Commissionerate, registered for the offences punishable under Section 8(c) read with Sections 21(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 25.11.2024 at 13:50 hours, the Sub-Inspector of Police, N.Ramesh, received credible information about a drug supply. He gathered a team and intercepted two white Hyundai Verna cars near the Railway underpass, Bibinagar. The cars were driven by the petitioner and other accused. Upon searching the vehicles, they found 100 kgs of Mephedrone, a banned drug, in four travel bags. The accused confessed to manufacturing and supplying of the said drug, and petitioner stated that he, along with Bhanu Prasad and others, manufactured Mephedrone at Yadadri Life Sciences factory and supplied it to Faizan, who would deliver it to Mumbai. Faizan confessed to collecting the drug from Bhanu Prasad and petitioner and delivering it

to Mumbai, and Accused No.3 confessed to escorting the vehicles during the drug deliveries. The police seized the drugs, cell phones, and vehicles, and arrested the petitioner and other accused. Aggrieved thereby, this Criminal Petition is filed.

3. Heard Mrs.Almas Begum Mohammed, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offence and he was falsely implicated in the present crime. The contraband seized by the police pertains to Ephedrine. However, they wrongly mentioned in the first information report as Mephedrone. The said contraband was sent for analysis report and accordingly, the Telangana Forensic Science Laboratory after conducting test issued report on 20.02.2025 stating that the seized contraband is “Ephedrine”, and the said contraband is not included in the schedule of the NDPS Act. She further submitted that the petitioner was arrested on 26.11.2024 and since then he is in judicial custody. She further submitted that similar allegations are leveled against accused Nos.1 and 3, as they were against petitioner/accused No.4 and this Court granted bail to accused Nos.1 and 3 on 26.03.2025 in Criminal Petition

No.3606 of 2025 and on 27.03.2025 in CrI.P.No.4061 of 2025 and that the petitioner is ready and willing to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court.

5. *Per contra*, learned Additional Public Prosecutor submits that investigation is under progress and at this stage, the petitioner is not entitled for grant of bail. However, he has not disputed that the contraband seized from the petitioner is Ephedrine and not Mephedrone and the same is not included in the schedule of the NDPS Act.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the contraband seized from the petitioner pertains to Ephedrine and the same is not included in the schedule of the NDPS Act and the petitioner was arrested on 26.11.2024 and since then he is in judicial custody and accused Nos.1 and 3 in the said crime were already released on bail.

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

(i) The petitioner/A4 is enlarged on bail on executing a personal bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of Additional Judicial First Class Magistrate, Bhongir, Yadadri-Bhongir District.

(ii) The petitioner/A4 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of eight (8) weeks, commencing from 08.04.2025 or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.

iii) The petitioner/A4 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the criminal petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 04.04.2025

vsl