

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4745 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.1 seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), (for short 'BNSS') in connection with Crime No.1013 of 2024 on the file of the Keesara Police Station, Medchal-Malkajgiri District, registered for the offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 30.12.2024 at about 17:00 hours, on receipt of credible information, the Sub-Inspector of Police, Keesara Police Station, apprehended the petitioner and other accused and seized 2.22 kgs of poppy straw powder from them and as the offence was committed, the aforesaid crime was registered against the accused.

3. Heard Mr. L.Sai Kumar Yadav, learned counsel for the petitioner/accused No.1 and Mr. Syed Yasar Mamoon, learned

Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioner/accused No.1 submits that the petitioner has not committed the offence and he has been falsely implicated in the present crime and the alleged contraband seized by the police *i.e.*, 2.22 kgs of poppy straw powder is intermediate quantity and the petitioner is not having any criminal antecedents. He prays that the petitioner be granted anticipatory bail as he is ready and willing to cooperate with the investigation and abide by the conditions that may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed grave offence under the provisions of the NDPS Act and the contraband seized from the petitioner and other accused is 2.22 kgs of poppy straw powder and the investigation is in progress and at this stage, if the petitioner is granted anticipatory bail, there is every chance

of his influencing the witnesses and interfering with the investigation and prays to dismiss the criminal petition.

6. Having considered the respective submissions made by the parties and on perusal of the material available on record, it reveals that the contraband seized from the petitioner and other accused is 2.22. kgs of poppy straw powder, which is an intermediate quantity and the petitioner is not having any criminal antecedents.

7. In view of the same, this Court is inclined to grant anticipatory bail in favour of the petitioner/accused No.1 subject to the following conditions:

- (i) Petitioner/Accused No.1 is directed to surrender before the Station House Officer, Keesara Police Station, Medchal-Malkajgiri District, on or before 17.04.2025;
- (ii) On such surrender, the Station House Officer, Keesara Police Station, Medchal-Malkajgiri District, shall release the petitioner/accused No.1 on bail on his executing a personal bond for a

sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;

(iii) On such release, petitioner/accused No.1 shall appear before the Station House Officer, Keesara Police Station, Medchal-Malkajgiri District, on every Monday at 11:00 a.m., for a period of eight weeks for the purpose of investigation and thereafter, as and when required by the police for investigation.

(iv) Petitioner/accused No.1 shall not interfere with the investigation nor influence the witnesses.

(v) Petitioner/accused No.1 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.

(vi) It is made clear that after release, if the petitioner/accused No.1 involves in similar offences, the respondent is entitled to file appropriate application seeking cancellation of bail.

8. Accordingly, the Criminal Petition is allowed.

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As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 10.04.2025
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J.SREENIVAS RAO, J