

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4637 of 2025

ORDER:

This criminal petition is filed by the petitioners/A3 and A4 under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS) for grant of anticipatory bail to them in Crime No.271 of 2024 of Prohibition and Excise Station, Dhoolpet, 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 13.12.2024 at 10:45 A.M., on receipt of credible information regarding illegal possession and sale of dry ganja at H.No.14-8-531/A, Devi Nagar, Jummerath Bazar, Hyderabad, the Sub-Inspector of Police, Prohibition and Excise Station, Hyderabad along with his staff visited the said premises and seized the contraband of 1.413 Kgs of dry Ganja from Accused Nos.1 and 2 and arrested them. Basing on the confessional statement of Accused Nos.1 and 2, the police

apprehended the petitioners/A3 and A4 and registered Crime No.271 of 2024 for the above said offences.

3. Heard Sri Siddharth, learned counsel representing Sri Mohd. Muzaffer Ullah Khan, learned counsel for the petitioners and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioners submits that the petitioners have not committed the offence and they were falsely implicated in the present crime. He further submits that even according to the allegations made in the complaint, the police seized the contraband of 1.413 Kgs of dry ganja from Accused Nos.1 and 2, which is an intermediate quantity and that the petitioners are not having any criminal antecedents. He further submits that Accused Nos.1, 2 and 5 were already released on bail and the petitioners are 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 petitioners and other accused have committed grave offence and investigation is under progress. At this stage, if the petitioners are granted anticipatory bail, they will influence the witnesses and also interfere with the investigation. Therefore, the petitioners are 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 1.413 Kgs of dry Ganja, which is an intermediate quantity and the other accused were already enlarged on bail. Even according to the learned Additional Public Prosecutor the petitioners are not having any criminal antecedents and they are not involved in similar offence.

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

(1) The petitioners/A3 and A4 are directed to surrender before the Station House Officer, Prohibition and Excise Station, Dhoolpet, Hyderabad, on or before 15.04.2025.

(2) On such surrender, the Station House Officer shall release the petitioners on bail on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousands only) each with two sureties for a like sum each to the satisfaction of the said officer.

(3) On such release, the petitioners/A3 and A4 shall appear before the Station House Officer, Prohibition and Excise Station, Dhoolpet, Hyderabad, on every Monday at 11:00 a.m., commencing from 21.04.2025 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) The petitioners/A3 and A4 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: 09.04.2025
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