

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4677 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused No.7, seeking bail in Crime No.1123 of 2024 of Medchal Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 8(c) read with Section 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1989 (for short 'the NDPS Act').

2. The case of the prosecution is that in the month of August 2024, accused No.2 along with accused Nos.3 and 5 met accused No.1 at Jeedimetla and accused No.2 asked to prepare mephadrone drug in the factory of the petitioner and offered to give Rs.50,000/- to accused No.1. Accused Nos.2 to 5 procured raw material and by using the same, accused No.1 produced 100 kgs. of mephadrone and handed over to accused No.2. The petitioner, who is the owner of the factory, was observing the manufacturing of the drug. Later, in the month of November, 2024, accused No.1 prepared 125 kgs. of

mephadrone drug in the factor of the petitioner and handed over the accused No.2. In this crime, the petitioner was produced on P.T. Warrant on 26.11.2024.

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

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and basing on the confession statement given by the other accused, he was falsely implicated in this crime. The contraband was seized by the police from the other accused persons. The police without following the mandatory procedure prescribed under the provisions of the NDPS Act, seized the contraband. The petitioner was arrested on 27.12.2024 and since then he is in judicial custody. The petitioner is aged about 62 years and suffering with Diabetic, hyper tension and heart problems. He also submitted that material part of the investigation is completed and the petitioner is ready and willing to cooperate with the investigation and he will abide by the conditions, which are going to be imposed by this Court. Hence, the petitioner is entitled for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor opposed the bail petition and submitted that the petitioner has committed a grave offence punishable under the provisions of the NDPS Act and the contraband seized by the police is a commercial quantity. Moreover, the investigation is under progress and therefore, if the petitioner is granted bail, there is every chance to influence the witnesses and interfere with the investigation. Hence, 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 the petitioner was arrested on 27.12.2024 and since then he has been in judicial custody. According to the learned counsel for the petitioner, the petitioner is suffering with age-old ailments and also heart problem. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

- (i) The petitioner/accused No.7 shall execute a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the I Additional District and Sessions Judge, Medchal-Malkajgiri District, Kushaiguda.

- (ii) The petitioner/accused No.7 shall appear before the concerned S.H.O. at 11.00 a.m. on every Tuesday 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.7 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.
 - iv) After release, if the petitioner/accused No.7 involved for the same offence the bail granted by this Court shall stand cancelled.
7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

Date: 15.04.2025
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J. SREENIVAS RAO, J