

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4639 of 2025

ORDER:

This criminal petition is filed by the petitioner/A3 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) to enlarge him on bail in Crime No.52 of 2025 on the file of Suryapet Rural Police Station, Suryapet District, for the offence punishable under Section 8(c) read with 20(b)(ii)(B), 27(b) of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, “the NDPS Act”).

2. Heard Sri K.Narasimha Reddy, learned counsel for the petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent State.

3. The case of the prosecution is that on 28.02.2025, while the Police are performing patrolling at SC Caste Community Graveyard at the outskirts of Kesaram Village, they apprehended the petitioner and other accused and seized 2 kgs of ganja. Basing on the same, a case was registered in Crime No.52 of 2025.

4. Learned counsel for the petitioner submits that the petitioner has not committed the offence and he was falsely implicated in the above crime. He further submits that the seized contraband is only 2 kgs of ganja, which is considered as small quantity as per the provisions of the NDPS Act. He further submits that the petitioner was arrested on 01.03.2025 and since then he is in judicial custody and material part of the investigation is completed. He further submitted that the petitioner is eking out his livelihood by doing private job and he is not having criminal antecedents and he is ready to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court. He further submits that the petitioner is not an accused in any other crime.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence under the provisions of the NDPS Act and 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 the contraband seized was 2 kgs of Ganja,

which is small quantity, and the petitioner was arrested on 01.03.2025 and since then he is in judicial custody and material part of the investigation is completed. According to the learned Additional Public Prosecutor, no criminal antecedents are reported against the petitioner.

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:

(1) The petitioner/A3 is enlarged on bail on executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousands only) with two sureties for a like sum each to the satisfaction of the Special Sessions Judge for NDPS cases-cum-I Additional Sessions Judge, Suryapet District, at Suryapet.

(2) The petitioner/A3 shall appear before the concerned SHO at 11:00 A.M. on every Monday 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.

(3) The petitioner/A3 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

(4) After release, if the petitioner/A3 has committed similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour

8. Accordingly, the criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 09.04.2025

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