

THE HON'BLE SRI JUSTICE J.SREENIVASRAO

CRIMINAL PETITION No.4676 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.4, seeking anticipatory bail in COR No.80 of 2025 of Excise Police Station, Kamareddy, registered for the offence punishable under Sections 8(c) read with Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, 'NDPS Act').

2. The case of prosecution in brief is that on 07.03.2025 at about 7-15 p.m. the Station House Officer, Prohibition and Excise Sub-Inspector and staff of AC enforcement team raided and detected a case of illegal possession, transportation and sale of Alprazolam at Government Degree College, Kamareddy Sports Academy and found accused No.1 with 150 grams of Alprazolam powder, accused No.2 with 50 grams of Alprazolam powder, accused No.3 with 50 grams of Alprazolam powder and arrested them and taken into the custody on the spot and seized the same and recorded their

confessional statements. Basing on the said panchanama, the Excise Police, Kamareddy registered the present crime for the aforesaid offences.

3. Heard Mr. Vijay B Paropkari, learned counsel for the petitioner and Mr. Syed Yasar Moon, 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 case as accused No.4. The police seized the contraband from the accused Nos.1 to 3 only and the ingredients of Sections 8(c) read with Section 22(c) of NDPS Act are not attracted to the petitioner. He further submitted that accused Nos.1 to 3 were arrested and they were already enlarged on bail. The petitioner is ready and willing to cooperate with the investigation pending if any, and also abide by the conditions, which are going to be imposed by this Court. The petitioner is not involved in any similar offence. Therefore, he prayed to release the petitioner on bail.

5. *Per contra*, learned Additional Public Prosecutor appearing on behalf of respondent opposed the bail petition and submitted that the petitioner has committed grave offence and the contraband seized from the petitioner and other accused is more than commercial quantity. Moreover, the investigation is not yet completed. Therefore, if the petitioner is granted bail, he will influence the witnesses and interfere with the investigation. Hence, he prays to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the police seized the contraband from accused Nos.1 to 3, which is a commercial quantity. Basing on the confession statement given by the other accused, the petitioner was added as accused No.4. According to the parties, accused Nos.1 to 3 were arrested and they were released on bail. Even according to the learned Additional Public Prosecutor, the petitioner is not involved in any similar offence. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.4 subject to the following conditions:

- i) The petitioner/accused No.4 is directed to surrender before the S.H.O., Excise Police Station, Kamareddy on

or before 16.04.2025 and on such surrender, the Station House Officer is directed to enlarge the petitioner on bail on his executing a personal bond for a sum of Rs.50,000/-(Rupees Fifty thousand only), with two sureties for a like sum each to his satisfaction.

- ii) The petitioner/accused No.4 shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of eight weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
- iii) The petitioner/accused No.4 shall abide by the conditions stipulated under Section 483(3) of BNSS.
- iv) After release, if the petitioner/accused No.4 is involved in similar offences, the bail granted by this Court shall stand cancelled.

7. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 09.04.2025

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