

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4706 of 2025

Order:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused No.10, seeking anticipatory bail in Crime No.231 of 2024 of Gummadidala Police Station, Sangareddy District, registered for the offences punishable under Sections 8(c) read with Section 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1989 (for short 'the NDPS Act').

2. Heard Mr. N.Ravi, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 31.12.2024, on receiving credible information about illegal transportation of Alprazolam at Toll Gate Gummadidala village, the Sub-Inspector of Police, Gummadidala Police Station, conducted vehicle check and apprehended one Dollari Sailu coming from

Narsapur side on Hero Honda Glamour bike and carrying 350 grams of Alprazolam with him and based on his confession, seized the contraband in the presence of mediators and registered the aforesaid crime against the accused.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in this crime and the police seized the contraband from accused No.17 and there are no specific allegations against the petitioner/accused No.10 so as to attract the ingredients of Sections 8(c) read with Section 22(c) and 29 of the NDPS Act. He further submits that accused Nos.1, 2, 4 and 6 were already released on bail and entire investigation is completed except filing of charge sheet and the petitioner/accused No.10 be granted bail as he is ready and willing to cooperate with the investigation and abide by the conditions as may be imposed by this Court and he is not having any criminal antecedents.

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 police seized the contraband *i.e.* 350 grams of Alprazolam, which is a commercial quantity and the investigation is under progress and 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 rival submissions made by the respective parties and after perusal of the material available on record, it reveals that accused Nos.1, 2, 4 and 6 were granted bail *vide* orders dated 24.03.2025, 12.03.2025 12.03.2025 and 24.03.2025 in Criminal Petition Nos.3744, 3234, 3276 and 3796 of 2025 respectively. The record further reveals that accused Nos.11 and 14 have also approached this Court and filed Criminal Petition Nos.3033 and 1128 of 2025 to quash the proceedings in the aforesaid crime and this Court granted interim orders dated 03.03.2025 and 30.01.2025 respectively

directing the Investigating Officer to proceed with the investigation, but however, not to arrest accused Nos.11 and 14 pending the criminal petitions and the very same allegations, as levelled against accused Nos.11 and 14, are levelled against the petitioner herein. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents and LWs.1 to 17 were already examined.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.10, subject to the following conditions:

- (i) Petitioner/Accused No.10 is directed to surrender before the Station House Officer, Gummadidala Police Station, Sangareddy District, on or before 22.04.2025;
- (ii) On such surrender, the Station House Officer, Gummadidala Police Station, Sangareddy District, shall release the petitioner/accused No.10 on bail on his executing personal bond for a sum of Rs.30,000/- (Rupees Thirty thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;

(iii) On such release, petitioner/accused No.10 shall appear before the Station House Officer, Gummadidala Police Station, Sangareddy 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.10 shall not interfere with the investigation nor influence the witnesses.

(v) Petitioner/accused No.10 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. Criminal Petition is accordingly allowed.

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

Date: 15.04.2025
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J.SREENIVAS RAO, J