

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4735 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.1 in Crime No.02 of 2025 on the file of Prohibition and Excise Station, Miryalaguda, registered for the offences punishable under Section 8(c) r/w 22(c) of NDPS Amendment Act, 2001.

2. The case of the prosecution is that on 10.01.2025, on receipt of credible information, Police conducted route watch at Eedulagudem Bypass road, Damarcherla to Hyderabad road and apprehended the petitioner and other accused and seized 700 grams of Alprazolam. Basing on the same, a case was registered in Crime No.1811 of 2024.

3. Heard Mr.K.Uday Kumar, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the

said crime. He further submitted that the Police without following the mandatory procedure prescribed under Section 52 of the NDPS Act, seized the contraband. He further submitted that the petitioner was arrested on 10.01.2025 and since then he is in judicial custody and the entire investigation is completed, except filing of charge sheet. He further submitted that the petitioner's daughter marriage is scheduled on 16.04.2025 and he has to perform rituals at her daughter's marriage and the petitioner is having no other criminal antecedents and he is ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.1 has committed grave offence under the provisions of NDPS Act and seized the contraband from possession of the petitioner and other accused, which is a commercial quantity and the 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 petitioner was arrested on 10.01.2025 and entire investigation is completed, except filing of the charge sheet. Learned counsel for the petitioner has placed on record the wedding card of petitioner's daughter, namely Ms.Shivani, showing that her marriage is scheduled on 16.04.2025 and the same was not disputed by the learned Additional Public Prosecutor. Even according to the learned Additional Public Prosecutor, petitioner is not having other criminal antecedents.

7. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.1, subject to the following conditions:

(i) The petitioner/accused No.1 shall execute a personal bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate at Miryalaguda.

(ii) After release, the petitioner/accused No.1 shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of eight (8) weeks, commencing from 21.04.2025 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.1 shall abide by
the other conditions stipulated in Section 437(3)
of Cr.P.C., presently Section 480(3) of BNSS.

(iv) After release, if the petitioner/accused No.1
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.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 11.04.2025

vsl