

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5290 of 2025

Order:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') seeking bail to the petitioner/accused No.1 in Crime No.50 of 2024 of Manoor Police Station, Sangareddy District, registered for the offences punishable under Section 8(c) r/w Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

2. The case of the prosecution is that on 17.10.2024, on receipt of credible information regarding illegal transport of dry ganja in Swift Dzire car bearing registration No.KA29N1640 from Bidar to Naryankhed *via* Nagalgidda, the Sub-Inspector of Police, Manoor Police Station, along with his staff went to Davoor X road on BT road, which leads from Narayankhed to Nagalgidda and after some time, he noticed the said car coming from Nagalgidda side and stopped the car, apprehended the

accused and seized 40 kgs of dry ganja from him. Basing on his confession, the aforesaid crime was registered against the accused.

3. Heard Mr. Ravuri Sai Sumanth, learned counsel for the petitioner/accused No.1 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent/State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime and the ingredients of Section 8(c) r/w Section 20(b)(ii)(C) of the NDPS Act are not attracted against the petitioner. He further submitted that the petitioner was arrested on 17.10.2024 and since more than 187 days, he is in judicial custody and the entire investigation is completed, except filing of charge sheet and the custodial interrogation of the petitioner is no more required. He further submits that the petitioner is not having any criminal antecedents and he is ready and willing to cooperate with the investigation, and also abide by the conditions that may be

imposed by this Court. Hence, he prays to grant bail to the petitioner/accused No.1.

5. Per contra, learned Additional Public Prosecutor submitted that petitioner and other accused have committed grave offence under the provisions of the NDPS Act and the contraband seized is 40 kgs of dry ganja, which is commercial quantity and the investigation is not yet completed and hence, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by learned counsel for the parties and after perusal of the material available on record, it reveals that petitioner was arrested on 17.10.2024 and since more than 187 days, he is in judicial custody and material part of the investigation is completed. It is noteworthy that no charge sheet has been filed till date. Hence, considering the incarceration period, 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 be released on bail on his executing a personal bond for a sum of Rs.30,000/-(Rupees thirty thousand only) with two sureties for a like sum each to the satisfaction of the Court of the Judicial First Class Magistrate at Narayankhed.
- (ii) The petitioner/accused No.1 shall appear before the concerned Station House Officer whenever his presence is required.
- (iii) After release, if the petitioner/accused No.1 involves in similar type of offences, the respondent-State is entitled to file an application seeking cancellation of bail.
- (iv) The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C./Section 480(3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

Date: 21.04.2025
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J.SREENIVAS RAO, J