

**THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO**

**CRIMINAL PETITION No.4755 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 petitioners/accused Nos.1 to 3 in Crime No.767 of 2024 of Abdullapurmet Police Station, Rachakonda, registered for the offence under Sections 8(C) read with 20(b)(ii)(C), 27A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

2. The brief facts of the case are that on 23.12.2024, at 14:30 hours, on receipt of credible information, Police apprehended petitioner and other accused, while they were transporting 4.310 kgs of hash oil drug in car i.e., Swift VXi bearing No.OD 30 E 4049 from Hyderabad to Odisha and seized the same. Basing on the same, Crime No.767 of 2024 was registered.

3. Heard Mr. Ravuri Sai Sumanth, learned counsel for the petitioners, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent – State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and they were falsely implicated in the above said crime. He further submitted the contraband was seized from the possession of other accused and 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 23.12.2024 and since then they are in judicial custody and material part of the investigation is completed. He further submitted that similar allegations are levelled against accused No.4 in the said crime, as they were against petitioners/accused Nos.1 to 3 and he approached this Court and filed CrI.P.No.4202 of 2025 and this Court granted bail to him on 01.01.2025 and the petitioners are also entitled for grant of bail. He further submitted that the petitioners are ready to abide by the conditions, which are going to be imposed by this Court and they will cooperate with the investigation. Hence, the petitioner is entitled for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioners and other accused have committed grave offence under

provisions of NDPS Act and the contraband i.e., Hash Oil that was seized is 4.310 kgs., which is commercial quantity. He further submitted that specific allegations are levelled against petitioner No.1/accused No.1 to attract the ingredients of Sections 8(C) read with 20(b)(ii)(C), 27A and 29 of NDPS Act and the investigation is under progress. Hence, the petitioners are not entitled for grant of bail.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that the petitioners were arrested on 23.12.2024 and since then they are in judicial custody and accused No.4 in the said crime was already released on bail. Even according to the learned Additional Public Prosecutor, petitioners/accused Nos.1 to 3 are not having criminal antecedents, however, there are specific allegations against petitioner No.1/accused No.1.

7. Taking into consideration the facts and circumstances of the case, since there are specific allegations against the petitioner No.1/accused No.1, this Court is not inclined to grant bail to petitioner No.1/accused No.1. Hence, the petition stands dismissed in respect of

petitioner No.1/accused No.1. Insofar as petitioner Nos.2 and 3/accused Nos.2 and 3 are concerned, since they are not having other criminal antecedents, this Court is inclined to grant bail to petitioner Nos.2 and 3/accused Nos.2 and 3, subject to the following conditions:

- (i) The petitioner Nos.2 and 3/accused Nos.2 and 3 shall be released on bail on executing a personal bond for a sum of Rs.50,000/-(Rupees fifty thousand only) with two sureties each for a like sum each to the satisfaction of the I Additional District and Sessions Judge, Ranga Reddy District.
- (ii) The petitioner Nos.2 and 3/accused Nos.2 and 3 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 the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- (ii) The petitioner Nos.2 and 3/accused Nos.2 and 3 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 Nos.2 and 3/accused Nos.2 and 3 have 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 in part. Insofar as petitioner No.1/accused No.1 is concerned, this petition is dismissed.

Miscellaneous applications, pending if any, shall stand closed.

**J. SREENIVAS RAO, J**

Date: 11.04.2025

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