

THE HON'BLE SRI JUSTICE J.SREENIVASRAO

CRIMINAL PETITION No.4794 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.5, seeking anticipatory bail in COR No.272 of 2024 of Prohibition and Excise Station, Dhoolpet, Hyderabad, registered for the offence punishable under Sections 8(c) read with Section 20(b)(ii)(B) 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 17.12.2024 at about 10-05 a.m. on credible information, Prohibition and Excise Sub-Inspector along with other staff have conducted raid at H.No.13-1-845, Mangra, Upper Dhoolpet, Mangalhat, Hyderabad and found accused Nos.1 and 2 in suspicious circumstances. The Police have apprehended accused Nos.1 and 2 and seized 1.474 kgs. of ganja from them. The Police have recorded the confessional statement of accused Nos.1 and 2, where under the involvement of accused Nos.3 to 6 came into

light. Thus, the Excise Police have registered the present crime for the aforesaid offences.

3. Heard Mr. Ch.Ravinder, 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.5 and the alleged contraband is not seized from the petitioner and the ingredients of Sections 8(c) read with Section 20(b)(ii)(B) of NDPS Act are not attracted to the petitioner. He further submitted that the alleged contraband is below intermediate quantity. 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 having criminal antecedents. 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 investigation is not yet completed. Therefore, if the petitioner is granted bail, he will influence the witnesses and interfere with the investigation. Hence, the petitioner is not entitled for granting anticipatory bail.

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 i.e. 1.474 kgs. of ganja, which is more than small quantity and below the intermediate quantity. Even according to the learned Additional Public Prosecutor, the petitioner is not having criminal antecedents. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.5 subject to the following conditions:

- i) The petitioner/accused No.5 is directed to surrender before the S.H.O., Prohibition and Excise Police Station, Dhoolpet, Hyderabad on or before 19.04.2025 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.25,000/- (Rupees Twenty Five thousand only), with two sureties for a like sum each to his satisfaction.
- ii) The petitioner/accused No.5 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.5 shall abide by the conditions stipulated under Section 483(3) of BNSS.
- iv) After release, if the petitioner/accused No.5 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: 11.04.2025
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