

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4839 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused, seeking bail in COR No.22 of 2025 of Prohibition and Excise Station, Secunderabad, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1989 (for short 'the NDPS Act').

2. The case of the prosecution is that on 30.01.2025 at 15.30 hours, the Inspector, Prohibition and Excise, Hyderabad, along with his staff conducted route watch near Prakash Nagar Bus Stop and at Pillar No.C-1322, they found that the petitioner is in possession of 21.6 Kgs of ganja chocolates concealed in a travel bag. The police apprehended the petitioner and seized the said contraband under cover of a confession-cum-seizure panchanama. Hence, the complaint.

3. Heard Mr. Neelam Bhargava Ram, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in this crime. He further submitted that the police without following the mandatory provisions prescribed under the NDPS Act, seized the contraband. The petitioner was arrested on 30.01.2025 and since then he is in judicial custody. He further submitted that material part of the investigation is completed except filing of the charge sheet. The petitioner is ready and willing to cooperate with the investigation and he will abide by the conditions, which are going to be imposed by this Court and he is not having any criminal antecedents. Hence, the petitioner is entitled for grant of bail.

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 contraband i.e. 21.6 kgs. of ganja chocolates seized by the police, which is a commercial

quantity. The investigation is under progress and therefore, if the petitioner is granted bail, there is every chance to influence the witnesses and to interfere with the investigation. Hence, 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 the police apprehended the petitioner on 30.01.2025 and since then he was in judicial custody. Even according to the Addl. 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 bail to the petitioner, subject to the following conditions:

- (i) The petitioner/accused shall execute 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 XXII Additional Chief Judicial Magistrate at Secunderabad.
- (ii) The petitioner shall appear before the concerned S.H.O. 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.

- iii) The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.
- iv) After release, if the petitioner involved for the same offence the bail granted by this Court shall stand cancelled.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 15.04.2025
mar