

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4983 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.3 in Crime No.519 of 2024 on the file of the Suryapet II Town Police Station, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 17.11.2024, the Sub-Inspector of Police, II Town Police Station, Suryapet, in a route watch, found two maruthi swift cars bearing Nos.AP-31CF-6688 and AP-16AV-9459 and found the petitioner driving one of the said vehicles. In the presence of mediators, police have checked the said cars and found ganja packets in the said cars wrapped with brown papers, weighing about 72 KGs. The seized ganja and petitioner were taken to the police station and a case was registered

against the petitioner and other accused. Aggrieved thereby, this Criminal Petition is filed.

3. Heard Ms.Swathi Sharma, 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 the petitioner has not committed any offence and has been falsely implicated in the present case. It is further submitted that the police seized only 36 kgs of contraband from the petitioner, and he was arrested on 18.11.2024. Since then, he has been in judicial custody. He further submitted that the entire investigation has been completed, and the Investigating Officer has filed the charge sheet before the learned I Additional District and Sessions Judge, Suryapet, on 23.01.2025 and the petitioner is not having any antecedents. He further submitted that the petitioner is not involved in any similar offences and he is ready to appear before the concerned Court on each and every adjournment.

5. *Per contra*, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the petitioner has committed a grave offence under the provisions of the NDPS Act and the contraband seized from the petitioner falls under the category of commercial quantity and therefore, 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 petitioner was arrested on 18.11.2024 and he has been in judicial custody since then. The investigation is completed and charge sheet is also filed on 23.01.2025 before the learned Principal District and Sessions Judge. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents.

7. Taking into consideration of the facts and circumstances of the case and submissions made by the respective parties, this Court is inclined to grant bail to the petitioner/accused No.3, subject to the following conditions:

(i) The petitioner/accused No.3 shall execute a personal bond for a sum of Rs.50,000/-(Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of I Additional District and Sessions Judge, Suryapet.

(ii) After release, the petitioner/accused No.3 shall appear before the concerned Court on each and every adjournment.

iii) The petitioner/accused No.3 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

(iv) After release, if the petitioner is involved in similar offence, the bail granted by this Court shall be cancelled.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 17.04.2025

Lpd

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