

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4944 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 No.2, seeking bail in Crime No.1100 of 2024 of Jeedimetla Police Station, Cyberabad, registered for the offences punishable under Sections 8(c) read with Section 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1989 (for short 'the NDPS Act').

2. The case of the prosecution is that on 25.11.2024, at 09.30 hours, the Sub-Inspector of Police, Jeedimetla Police Station, has received information from the S.H.O., Bibinagar, that accused No.1 holds narcotic drug Mephedrone at his house. On enquiry and search, accused No.1 voluntarily handed over the contraband and confessed that the drug has been prepared in the Company of accused No.6. He further confessed that he along with the petitioner-accused No.2, accused No.3 used to get raw material and the petitioner-accused No.2 along with accused No.3 used to manufacture

drug in the Company of accused No.6. In this crime, the petitioner was remanded to judicial custody on 26.11.2024.

3. Heard Mr. Pulimamidi Shashidhar Reddy, 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. The contraband seized by the police pertains to Ephedrine. However, they wrongly mentioned in the First Information Report as Mephedrone. The said contraband was sent for analysis report and accordingly, the Telangana Forensic Science Laboratory after conducting test issued report on 20.02.2025 stating that the seized contraband is "Ephedrine" and the said contraband is not included in the schedule of NDPS Act. He further submitted that petitioner was remanded to judicial custody on 26.11.2024. 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. Hence, the petitioner is entitled for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the investigation is under progress and at this stage the petitioner is not entitled for grant of bail. However, he has not disputed that the contraband seized from the petitioner is Ephedrine and not Mephedrone and the same is not included in the schedule of the NDPS Act.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that as per the F.S.L. Report issued by the Telangana Forensic Science Laboratory, the contraband seized from the petitioner pertains to “Ephedrine”, and not Mephedrone, and the same is not included in the schedule of the NDPS Act. 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 No.2 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 the VIII Additional Metropolitan Magistrate, Cyberabad at Medchal.
- (ii) The petitioner/accused No.2 shall appear before the concerned S.H.O. at 11.00 a.m. on every

Wednesday 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/accused No.2 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C./480(3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

Date: 16.04.2025
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J. SREENIVAS RAO, J

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