

**THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

**CRIMINAL PETITION No.4991 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.1, seeking bail in Crime No.517 of 2024 of Afzalgunj Police Station, Hyderabad, for the offences punishable under Sections 8(c) read with 22(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act') and Section 34(a) of the Telangana State Excise Act.

2. The case of prosecution in brief is that on 25.11.2024 at about 11.30 hours, while the Sub-Inspector of Police, Afzalgunj Police Station along with staff were conducting surprise checking at Mahatma Gandhi Bus Stand, they found accused No.1 in suspicious condition and they apprehended him and seized 500 grams of Alprazolam from him. The Police recorded the confessional statement of accused No.1, where under the involvement of the petitioner/accused No.2 and other accused came into light. The

police seized the contraband under a cover of panchanama and filed complaint.

3. Heard Mr. Varthya Vinod, 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 the alleged offences and he was falsely implicated in the present crime. The police, without following the mandatory procedure prescribed under the provisions of the NDPS Act, seized the contraband. He further submitted that the petitioner was arrested on 25.11.2024 and since then, he has been in judicial custody and he is not having any criminal antecedents. He also submitted that the entire investigation is completed except filing of charge sheet. He further submitted that in respect of the accused No.2, this Court granted anticipatory bail on 04.04.2025 in CrI.P.No.4506 of 2025. He further submitted that 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 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 seized by the police is a commercial quantity. Moreover, the investigation is under progress and therefore, if the petitioner is granted bail, there is every chance to influence the witnesses and 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 petitioner was arrested on 25.11.2024 and since then, he has been in judicial custody. 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.1 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 II Additional Chief Judicial Magistrate, Hyderabad at

Nampally.

- ii. The petitioner/accused No.1 shall appear before the concerned S.H.O. at 11.00 a.m. on every Tuesday 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.1 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.
  - iv. After release, if the petitioner/accused No.1 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.

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**JUSTICE J.SREENIVAS RAO**

Date: 17.04.2025

Lpd

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