

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4961 of 2025

ORDER:

This criminal petition is filed by the petitioner/A4 under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) seeking regular bail in Crime No.321 of 2024 on the file of Narsampet Police Station, Warangal District, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(C) of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. The case of the prosecution is that on 03.08.2024 at 17:30 hours, the Sub-Inspector of Police, Narsampet, reported that during a vehicle check at Kamalapur Cross Road, two cars, a Zest and an Ertiga were stopped and upon inspection, 128 packets of dry ganja weighing 250.900 Kgs were seized. The drivers, petitioner and Accused No.2 fled the scene of offence, while Accused No.1 was apprehended. Thereafter, a case in Crime No.321 of 2024 was registered for the above said offences.

3. Heard Ms. R. Swomya Reddy, learned counsel representing Mr. K. Chandra Sekhar Reddy, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioner submits that the petitioner has not committed the offence and he was falsely implicated in the present crime. He further submits that the contraband, namely, 250.900 Kgs of dry Ganja was seized from accused Nos.1 and 2 only and entire investigation was completed. He further submits that this Court granted bail in favour of accused No.2 and the petitioner was arrested on 28.12.2024 and since then he is in judicial custody and he is ready and willing to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court. He further submits that the petitioner has not involved in any similar offence.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed grave offence and the contraband 250.900 kgs of dry ganja seized from the

petitioner and other accused is a commercial quantity and that investigation is under progress. At this stage, if the petitioner is enlarged on bail, he will interfere with the investigation and also influence the witnesses.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the contraband of 250.900 kgs of dry Ganja was seized from accused Nos.1 and 2 and that the petitioner was arrested on 28.12.2024 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor 13 witnesses were examined and that the petitioner is not involved in any similar offence.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/A4 on the following conditions:

(1) The petitioner/A4 is enlarged on bail on executing 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 Special Sessions Judge for Narcotic Drugs and Psychotropic Substances Act, 1985 Cases-cum-I Additional Sessions Judge at Warangal.

(2) The petitioner/A4 shall appear before the concerned SHO at 11:00 A.M. on every Monday for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter as and when required.

(3) After release, if the petitioner/A4 indulges in the very same offence, the respondent State is at liberty to file an application seeking cancellation of bail granted in his favour.

(4) The petitioner/A4 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

8. Accordingly, the criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 28.04.2025
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