

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4962 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.2 in Crime No.437 of 2024 on the file of Gessgonda Police Station, Warangal, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 10.12.2024, on receipt of credible information, Police apprehended the petitioner along with other accused and seized 39 kgs of dry ganja. Basing on the same, a case was registered in Crime No.437 of 2024.

3. Heard Ms.R.Sowmya Reddy, learned counsel representing Mr.K.Chandra Shekar Reddy, 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 petitioner has not committed alleged offence and he was falsely implicated in the said crime. She further submitted that as per the remand case diary and compliant, Police seized only 6 kgs of dry ganja from the possession of the petitioner, which is below commercial quantity and the petitioner was arrested on 11.12.2024 and since then he is in judicial custody and he is not having criminal antecedents. She further submitted that entire investigation is completed, except filing of charge sheet and the petitioner is ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.2 has committed grave offence under the provisions of NDPS Act and 39 kgs. of dry ganja was seized from possession of the petitioner and other accused, which is a commercial quantity and the investigation is under progress. Hence, at this stage, 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 petitioner was arrested on 11.12.2024 and entire investigation is completed, except filing of charge sheet. Even according to the learned Additional Public Prosecutor, petitioner is not having any other criminal antecedents.

7. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.2, subject to the following conditions:

(i) The petitioner/accused No.2 shall execute a personal bond for a sum of Rs.25,000/-(Rupees Twenty Five 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.

(ii) After release, the petitioner/accused No.2 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/accused No.2 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

(iv) After release, if the petitioner/accused No.2 is involved in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 17.04.2025

vsl