

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5149 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner, who is arrayed as accused No.2, seeking bail in Crime No.761 of 2024 of Amberpet Police Station, Hyderabad, registered for the offences punishable under Sections 8(c) read with 20(c) and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

2. The case of prosecution in brief is that on 21.12.2024 at about 12.30 hours, on credible information, the Sub-Inspector of Police, Amberpet Police Station, along with staff proceeded towards Kareema Masjid, Akash Nagar, Amberpet, and apprehended the petitioner and accused No.1 under suspicious circumstances and seized 8.460 grams of Cocaine (Intermediate Quantity), 19.970 grams of MDMA (Commercial Quantity) and 2 LSD Blots from their possession and recorded their confessional statement, whereunder the involvement of accused Nos.4 to 10 is came into light. Hence, the complaint.

3. Heard Mr. M. Prudhvi Raju, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offence and he was falsely implicated in the present crime. The alleged contraband was seized from accused No.1 and there are no specific allegations against the petitioner to attract the provisions of NDPS Act. The petitioner was arrested on 21.12.2024 and since then, he has been in judicial custody. He further submitted that the material part of the investigation is completed, except filing of charge sheet. The mother of the petitioner was admitted in hospital. Except the petitioner, there is no one to look after his mother. The petitioner is not having any criminal antecedents. The petitioner is ready to cooperate with the investigation and also 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 petitioner and other accused have committed a grave offence and the police seized 8.460 grams of Cocaine, which is intermediate quantity, 19.970 grams of MDMA, which is a

commercial quantity, and 2 LSD Blots from the possession of the petitioner and accused No.1. The investigation is under progress. Therefore, 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 the petitioner was arrested on 21.12.2024 and since then, he is in judicial custody. Even according to the learned Additional Public Prosecutor, nine (9) witnesses were examined. The record further reveals that the petitioner is enclosed the medical report of his mother, who is suffering with age-old problems. Even according to the learned Additional Public Prosecutor, the petitioner is not having criminal antecedents. Taking into consideration the 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.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of IV Additional Chief Judicial Magistrate at Nampally, Hyderabad.

- (ii) 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) 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.
- (iv) The petitioner/accused No.2 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 22.04.2025

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