

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5103 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.1 in Crime No.323 of 2024 on the file of Bhanoor Police Station, Sangareddy District, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 23.10.2024, the petitioner along with other accused was found in possession of 50 kgs of ganja and the same was seized. Basing on the same, Crime No.323 of 2024 was registered.

3. Heard Mr.R.Sai Sumanth, learned counsel for the petitioner, appearing through video conference 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. He further submitted that 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 23.10.2024 and since then he is in judicial custody and he is not having criminal antecedents. He 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.1 along with other accused has committed grave offence under the provisions of NDPS Act and 50 kgs of 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 23.10.2024 and

since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, material part of the investigation is completed and the petitioner is not having any other criminal antecedents. It is noteworthy that charge sheet is not filed till date. Hence, considering the incarceration period, this Court is inclined to grant bail to the petitioner/accused No.1 subject to the following conditions.

- (i) The petitioner/accused No.1 shall execute a personal bond for a sum of Rs.30,000/-(Rupees thirty thousand only) with two sureties for a like sum each to the satisfaction of the Additional District and Sessions Judge at Sangareddy.
- (ii) After release, the petitioner/accused No.1 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.1 indulges 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.1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 24.04.2025
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