

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5061 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.2 under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking anticipatory bail in Crime No.14 of 2025 on the file of the Station House Officer, Malkajgiri Excise Police Station, Medchal-Malkajgiri District, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(B) of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, “the NDPS Act”).

2. Heard Sri Abhishek Sagar, learned counsel representing Mr. R.Thirupathi, learned counsel for the petitioner/accused No.2, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 26.02.2024, at about 04:10 p.m., on receipt of credible information regarding illegal transportation of dry ganja, the Sub-Inspector of Police, Malkajgiri Excise Police Station, along with his staff, conducted vehicle check near Trishul Bar on the road leading from ECIL to Moulali, S.P.Nagar, and apprehended the petitioner and other accused and seized 1.843 kgs of dry ganja from them. Basing on the same, the aforesaid crime was registered against the accused.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence and he was falsely implicated in the present crime. The police seized the contraband *i.e.*, 1.843 kgs of dry ganja, which is an intermediate quantity and the petitioner is not having any criminal antecedents and the investigation is completed except filing of charge

sheet. Learned counsel prays that the petitioner/accused No.2 be granted anticipatory bail as he is ready and willing to cooperate with the investigation and also abide by the conditions as may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the petitioner has committed a grave offence punishable under the provisions of NDPS Act and the investigation is under progress and therefore, if the petitioner is granted anticipatory bail at this stage, he will interfere with the investigation and influence the witnesses. Hence, he prays to dismiss the criminal petition.

6. Having considered the rival submissions made by learned counsel for the parties and after perusal of the material available on record, it reveals that the police

seized 1.843 kgs of dry ganja, which is an intermediate quantity. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner/accused No.2 subject to the following conditions:

(i) Petitioner/Accused No.2 is directed to surrender before the Station House Officer, Malkajgiri Excise Police Station, on or before 26.04.2025;

(ii) On such surrender, the Station House Officer, Malkajgiri Excise Police Station, shall release the petitioner/accused No.2 on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;

(iii) On such release, petitioner/accused No.2 shall appear before the Station House Officer, Malkajgiri Excise Police Station, on every

Monday at 11:00 a.m., for a period of eight weeks for the purpose of investigation and thereafter, as and when required by the police for investigation.

(iv) Petitioner/accused No.2 shall not interfere with the investigation nor influence the witnesses.

(v) Petitioner/accused No.2 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of BNSS and shall cooperate with the investigating officer for conclusion of investigation.

8. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 21.04.2025
LUR

J.SREENIVAS RAO, J