

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5062 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.4 under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking anticipatory bail in connection with Crime No.19 of 2025 on the file of Station House Officer, Prohibition and Excise Station, Dhoolpet, Hyderabad, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the NDPS Act”).

2. Heard Sri Deepak Misra, learned counsel for the petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 11.03.2025, at about 09:15 a.m., on receipt of credible information regarding sale of dry ganja in house No.14-8-429, Jummerath Bazar, Begum Bazar, Asif Nagar, Hyderabad, the Sub-Inspector of Police, Dhoolpet Police Station, along with his staff went there and apprehended the petitioner and other accused and seized 1.12 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/accused No.4 has not committed any offence and he was falsely implicated in the present crime. The police seized 1.12 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 and the petitioner be granted anticipatory bail as he is ready

and willing to cooperate with the investigation and also abide by the conditions that 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 the 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, prayed to dismiss the criminal petition.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the police seized 1.12 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.4 subject to the following conditions:

- (i) Petitioner/Accused No.4 is directed to surrender before the Station House Officer, Dhoolpet Police Station, on or before 26.04.2025;
- (ii) On such surrender, the Station House Officer, Dhoolpet Police Station, shall release the petitioner/accused No.4 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.4 shall appear before the Station House Officer, Dhoolpet 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.4 shall not interfere with the investigation nor influence the witnesses.

(v) Petitioners/accused No.4 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
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J.SREENIVAS RAO, J