

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5208 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.2 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in connection with Crime No.712 of 2024 on the file of the Station House Officer, Balanagar Police Station, Medchal-Malkajgiri District, registered for the offence punishable under Section 20(B)(ii)(c) read with Section 8(c) of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, “the NDPS Act”).

2. The case of the prosecution is that on 31.10.2024, at about 15:00 hours, on receipt of credible information regarding illegal transport of Hash oil near TGSRTC bus stop (Shobhana bus stop), near Vimal Theater, Balanagar, between three persons aged between 30 to 40 years, the Sub-Inspector of Police, Balanagar Police Station, along with his staff, went

to the spot and apprehended the petitioner and other accused and seized 2.590 liters of Hash oil from them. Basing on the same, the aforesaid crime was registered against the accused.

3. Heard Sri Ravuri Sai Sumanth, learned counsel for the petitioner/accused No.2 and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioner submits that the petitioner/accused No.2 has not committed any offence and he was falsely implicated in the present crime and the entire allegations are levelled against accused No.1 and the contraband was seized from accused No.1 only and there are no specific allegations against the petitioner to attract the ingredients of the provisions of the NDPS Act and the entire investigation is completed. He further submits that the petitioner was arrested on 31.10.2024 and since then he is in judicial custody and he is not having any criminal antecedents and prays to grant 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/accused No.2 stating that the petitioner has committed a grave offence punishable under the provisions of NDPS Act and contraband seized from the petitioner and other accused is 2.590 liters of Hash oil, which is a commercial quantity and the investigating officer concluded the investigation and filed chargesheet before the XIII Additional Metropolitan Magistrate at Kukatpally, Cyberabad, on 28.03.2025 and the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 31.10.2024 and since then, he is in judicial custody and even according to the learned Additional Public Prosecutor, the investigating officer,

after conducting investigation, filed chargesheet on 28.03.2025 and the petitioner is not having any criminal antecedents.

7. In view of the same, 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 XIII Additional Metropolitan Magistrate at Kukatpally, Cyberabad.
- (ii) On such release, the petitioner/accused No.2 shall appear before the concerned Station House Officer at 11.00 A.M. on every Monday, for a period of eight (8) weeks or till filing of 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 conditions stipulated in Section 483 (3) of BNSS.

(iv) It is made clear that after release, if the petitioner/accused No.2 indulges in similar offences, the respondent/State is at liberty to file an application seeking cancellation of bail.

8. Accordingly, the Criminal Petition is allowed.

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

Date: 22.04.2025
LUR

J.SREENIVAS RAO, J