

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5108 of 2025

ORDER:

This criminal petition is filed by the petitioner/accused No.1 under Sections 480 and 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (for short 'BNSS') to enlarge the petitioner on bail in Crime No.1811 of 2024 on the file of Gachibowli Police Station, Cyberabad, registered for the offences punishable under Section 8 (c) r/w 22 (C), 27 and 29 of NDPS Amendment Act, 2001.

2. The case of the prosecution is that on 30.11.2024, on receipt of credible information, Police apprehended the petitioner and other accused and seized 18 grams of MDMA. Basing on the same, a case was registered in Crime No.1811 of 2024.

3. Heard Sri M.Rathan Singh, learned counsel for the petitioner-accused No.1, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioner submits that the 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 Section 52 of the NDPS Act, seized the contraband. He further submitted that the petitioner was arrested on 30.11.2024 and since then he is in judicial custody. He further submitted that entire investigation is completed, except filing of charge sheet and the petitioner is having no criminal antecedents and he is ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court. He further submitted that very same allegations leveled against accused No.2 and accused No.2 approached this Court and filed criminal petition No.4633 of 2025 and this Court granted bail and contended that the petitioner herein is entitled for the same and hence, prayed for grant of bail.

5. Per contra, learned Additional Public Prosecutor submitted that petitioner/accused No.1 has committed grave offence under the provisions of NDPS Act and 18 grams of MDMA 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 the petitioner was arrested on 30.11.2024 and entire investigation is completed, except filing of the charge sheet. Even according to the learned Additional Public Prosecutor, no criminal antecedents are reported against the petitioner.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.1, subject to the following conditions:

- (1) 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 X Additional Metropolitan Magistrate at Kukatpally.
- (2) 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.

(3) 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.

(4) After release, if the petitioner-accused No.1 has committed similar offence, the respondent-state is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.

8. Accordingly, the criminal petitions are allowed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 21.04.2025
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