

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5196 of 2025

Order:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2024 (for short 'BNSS') seeking bail to the petitioners/accused Nos.1 and 2 in Crime No.1221 of 2024 on the file of Chandanagar Police Station, Cyberabad, registered for the offences punishable under Section 8(c) r/w Sections 20(b)(ii) and 9(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

2. The case of the prosecution is that on 29.11.2024 at about 23:00 hours, on receipt of credible information about illegal transportation of dry ganja, the Sub-Inspector of Police, Chandanagar Police Station, along with his staff conducted vehicle check at Hanuman Temple, Gangaram, and apprehended petitioners/accused Nos.1 and 2 and other accused, who were illegally transporting dry ganja in

commercial quantity from R.C.Puram to Chandanagar in Mahindra XUV 300 Car bearing registration No.TS22H5068 and seized 57 kgs of dry ganja from them. Based on the same, the aforesaid crime was registered against the accused.

3. Heard Mr. Ravuri Sai Sumanth, learned counsel for the petitioners/accused Nos.1 and 2 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence and they were falsely implicated in the present crime and the ingredients of Section 8(c) r/w Sections 20(b)(ii) and 9(c) of NDPS Act are not attracted against the petitioners. He further submits that similar allegations were levelled against accused No.3 and he was arrested and granted bail *vide* order dated 11.04.2025 passed in CrI.P.No.4823 of 2025 and the petitioners/accused Nos.1 and 2 were arrested on 30.11.2024 and since then they

are in judicial custody and the material part of the investigation was already completed, except filing of the charge sheet and the petitioners have no criminal antecedents. He, therefore, prays that the petitioners be granted bail as they are ready 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 submitted that the contraband seized from the petitioners/accused Nos.1 and 2 and other accused is 57 kgs of dry ganja, which is a commercial quantity and specific allegations are levelled against petitioner No.1/accused No.1 that the contraband was seized from petitioner No.1/accused No.1 only and the investigation is in progress and at this stage, accused No.1 is not entitled for grant of bail on par with accused No.3 and prays to dismiss the criminal petition.

6. Having considered the rival submissions made by learned counsel for the parties and on perusal of the material available

on record, it reveals that there are specific allegations levelled against petitioner No.1/accused No.1 to attract the ingredients of Section 8(c) r/w Sections 20(b)(ii) and 9(c) of NDPS Act and the police seized 57 kgs of dry ganja, which is a commercial quantity. Hence, this Court is not inclined to grant bail in favour of petitioner No.1/accused No.1, especially when the investigation is in progress.

7. Criminal Petition *qua* petitioner No.1/accused No.1 is dismissed.

8. Insofar as petitioner No.2/accused No.2 is concerned, very same allegations as levelled against accused No.3 are levelled against him and this Court granted bail in favour of accused No.3 *vide* order dated 11.04.2025 passed in CrI.P.No.4823 of 2025.

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

- (i) Petitioner No.2/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 the XIII Additional Metropolitan Sessions Judge, Cyberabad, Ranga Reddy District.
- (ii) On such release, the petitioner No.2/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) Petitioner No.2/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 No.2/accused No.2 indulges in similar offences, the bail granted by this Court shall be cancelled.

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10. Accordingly, the Criminal Petition is allowed in part.

Miscellaneous applications, pending if any, shall stand closed.

Date: 22.04.2025
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J.SREENIVAS RAO, J