

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5152 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.1 in Crime No.517 of 2024 on the file of Afzalgunj Police Station, Hyderabad, registered for the offences punishable under Sections 8(c) r/w 22(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 34(a) of T.G.Excise Act.

2. The case of the prosecution is that on 25.11.2024, the Sub-Inspector of Police at Afzalgunj, Hyderabad along with staff, conducted a surprise check at Mahatma Gandhi Bus Stand (MGBS) and found the petitioner in suspicious condition and they apprehended the petitioner and seized 500 grams of Alprazolam. The petitioner's confessional statement revealed the involvement of accused Nos.2 to 4. Basing on the same, a case was registered in Crime No.517 of 2024.

3. Heard Mr.Papaiah Peddakula, learned counsel representing Mr.K.Vijaya Bhaskar, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that 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 the provisions of the NDPS Act, seized the contraband. He further submitted that the petitioner was arrested on 25.11.2024 and since then he is in judicial custody and he is not having criminal antecedents. He further submitted that entire investigation is completed, except filing of charge sheet and the petitioner is ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court 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 500 grams of Alprazolam 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 petitioner was arrested on 25.11.2024 and even according to the learned Additional Public Prosecutor, entire investigation is completed, except filing of charge sheet and the petitioner is not having any other criminal antecedents.

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

(i) 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 the I Additional Sessions Judge, City Criminal Courts, Hyderabad.

(ii) 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.

(iii) 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.

(iv) After release, if the petitioner/accused No.1 indulges in 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 Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 22.04.2025
vsl