

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5201 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.13, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.1 of 2025 of Cyberabad Narcotics Police Station, TG Anti-Narcotics Bureau District, registered for the offences punishable under Sections 8(c), 22(b), 22(c) of the Narcotic Drugs and Psychotropic, Act, 1985 and Sections 27-A and 29 of Narcotic Drugs and Psychotropic (Amendment) Act, 2021.

2. Heard Mr.N.Sredhar Reddy, learned counsel representing Mr.Koushik Kanduri, learned counsel for the petitioner/accused No.13 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 03-04-2025 at 21:00 hours received a petition and credible information that

the Dy. Superintendent of Police, Station House Officer, Cyberabad Narcotic PS TG Anti-Narcotic Bureau, that some Nigerians, who were residing at Flat No.301, AY Residency, Road No.10, Happy Homes Colony, Upperpally, Rajendra Nagar, Hyderabad are indulging in illegal supply of drugs to their customers and that they along with one Mateen running Fine Multipurpose Services at Malakpet, Hyderabad are assembling at Flat No.301, AY Residency, Road No.10, Happy Homes Colony, Upperpally, Rajendra Nagar, Hyderabad for the settlement of their financial transactions. They are handled by one Divine Ebuka Suzee @ Ebuka @Lebuka @ Emmanuel @ Level, who is presently at Nigeria was earlier residing with them in Upparpally assisted by his brother Ezeonyili Franklin Uchenna @ Kelechi and getting drugs from New Delhi through Onuoha Blessing R/o Bangalore. In 2024 after the arrest of Blessing in Hyderabad, Divine Ebuka Suzee fled away to Nigeria and operated this drug racket from Nigeria. Emma and Big Joe procured some Indian and Foreign bank accounts

through Mateen Siddiqui and gave them to Ebuka who in turn gave them to his customers and the customers who want drugs will deposit the required money into these accounts and Ebuka gets the drug delivered to them through Emma and Big Joe, Later Emma and Big Joe will approach Mateen, who will deliver the money to Emma and Big Joe, who will inturn route this money to Nigeria through various illegal channels. The accused are assembling at premises bearing Flat No.301, AY Residency, Road No.10, Happy Homes Colony, Upperpally, Rajendra Nagar, Hyderabad to plan for the delivery of drugs and finalise their financial transaction. The officers after complying with all the provisions of law reached near the premises bearing Flat No.301, AY Residency, Road No.10, Happy Homes Colony, Upperpally, Rajendra Nagar, Hyderabad at 12:00 hours and concealed presence within the vicinity of the premises. Accused Nos. 1 and 2 voluntarily disclosed that they are indulging in selling Cocaine and MDMA to their customers in Hyderabad and they are handled by

Divine Ebuka Suzee, who procures drugs from New Delhi and collects money of the customers in some bank accounts provided by Mateen, who will in turn deliver the cash to them. The accused were indulging in procuring and selling the contraband of 52.29 gms of MDMA and 16.45 gms of cocaine from A1 and A3 and the same is recovered and concerned accused were arrested. Hence on such statement, the crime No.1 of 2025 was registered.

4. Learned counsel for the petitioner/accused No.13 submits that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime. Even according to the allegations made in the complaint, the ingredients under the provisions of NDPS Act will not attract against the petitioner on the ground as the police did not seize the contraband from the custody of the petitioner. The entire allegations are leveled against accused Nos.1 to 3 only. The petitioner was included as accused No.13 basing upon the confession statement given by other accused and the same is

not permissible under law. He further submitted that the petitioner is having license issued by the competent authority under the Foreign Exchange Management Act, 1999 and the same is valid up to 30.06.2025. The petitioner/accused No.13 is ready and willing to cooperate with the investigation and also abide by the conditions that may be imposed by this Court. He also submitted that the petitioner is not having any criminal antecedents.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed offence, investigation is under progress and if the petitioner/accused No.13 is granted anticipatory bail at this stage, there is every chance of his influencing the witnesses and interfering with the investigation.

6. Having considered the rival submissions made by the learned counsel for the parties and on perusal of the record, it reveals that the contraband seized from the other accused and there are no specific allegations to attract the ingredients under

the provisions of NDPS Act. The record further reveals that the petitioner is having license issued by the competent authority namely Foreign Exchange Department under the provisions of Foreign Exchange Management Act, 1999 on 08.09.2024 and the same is valid up to 30.06.2025. Even according to learned Additional Public Prosecutor, petitioner is not having any other criminal antecedents.

7. Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner/accused No.13 subject to the following conditions:

- (i) Petitioner/accused No.13 is directed to surrender before the Station House Officer, Cyberabad Narcotics Police Station, on or before 23.04.2025;
- (ii) On such surrender, the Station House Officer of Cyberabad Narcotics Police Station, shall release the petitioner on bail on his executing 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 said Officer;

(iii) On such release, petitioner/accused No.13 shall appear before the Station House Officer, Cyberabad Narcotics 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 for investigation.

(iv) Petitioner/accused No.13 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 investigation officer for conclusion of investigation.

8. Subject to the above directions, the Criminal Petition is allowed. No costs.

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

Date: 17.04.2025
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J.SREENIVAS RAO, J

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