

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5384 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.4 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) seeking grant of regular bail in Crime No.261 of 2024 on the file of Station House Officer, Gudur Police Station, Mahabubabad District, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(c), 27-A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the NDPS Act”).

2. The case of the prosecution is that on 23.09.2024, on receipt of credible information about illegal transportation of psychotropic substances from Bhadrachalam to Hyderabad via Mahabubabad in XUV Silver colour car bearing registration No.OR 05 AV 9099 and Ertiga black colour car bearing registration No.OD 02 H 0524, the Sub-Inspector of Police, Gudur Police Station, along with his staff, went to the spot, intercepted the vehicles and found the petitioner and other accused in suspicious circumstances and apprehended them and seized 80 ganja packets weighing about 187.04 kgs of ganja from them and registered the aforesaid crime for the aforesaid offences.

3. Heard Mr.M.Arun Kumar, learned counsel representing Mr.K.Chandra Shekar Reddy, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner/accused No.4 submits that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime, basing upon the confession statement given by the other accused. 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 Accused Nos. 1 to 3, against whom the major allegations have been levelled, were already enlarged on bail pursuant to the orders passed by this Court on 27.03.2025 and 02.04.2025 in Crl.P. Nos. 4030, 4056, and 4240 of 2025. He further He further submitted that the petitioner was arrested on 05.12.2024 and since then he is in judicial custody and entire investigation is completed, except filing of charge sheet. He further submitted that the petitioner is not having any other criminal antecedents and he is ready and willing to cooperate with the investigating officer and also abide by the conditions that may be imposed by the Court.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.4 along with other accused has committed grave offence under the provisions of NDPS Act and 187 kgs of ganja was seized from possession of the petitioner and other accused, which is a commercial quantity. He further submitted that accused Nos.1 to 3 were enlarged on bail only on the ground that the investigating officers have not filed charge sheet, even after expiry of 180 days after arrest, where as petitioner was arrested on 05.12.2024 and he is not entitled to seek bail 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 05.12.2024 and accused Nos.1 to 3 were already enlarged on bail pursuant to the orders passed by this Court on 27.03.2025 and 02.04.2025 in CrI.P.Nos.4030, 4056, and 4240 of 2025. Even according to the learned Additional Public Prosecutor, 12 witnesses were already examined and 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.4, subject to the following conditions:

- (i) The petitioner/accused No.4 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 Special Judge for Trial of cases for the offences under Narcotic Drugs and Psychotropic Substances Act, 1985-cum-Principal Sessions Judge, at Mahabubabad.
- (ii) After release, the petitioner/accused No.4 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) After release, if the petitioner/accused No.4 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.

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(iv) The petitioner/accused No.4 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 24.04.2025

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