

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5288 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.1 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in connection with Crime No.129 of 2025 on the file of the Station House Officer, Mancherial Police Station, Mancherial District, registered for the offence punishable under Section 8(c) read with Sections 20(b)(ii)(c) and 27(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. The case of the prosecution is that on 19.02.2025, at about 17:00 hours, on receipt of credible information regarding illegal sale and consumption of ganja in one Y Info Solutions inside CC camera godown, the Sub-Inspector of Police, Mancherial Town Police Station, along with his staff, went to the spot and apprehended the petitioner and other

accused in suspicious circumstances and seized 23.5 kgs of dry ganja from them. Basing on their confession, the aforesaid crime was registered against the accused.

3. Heard Sri Ramakrishna Kulkarni, learned counsel representing Sri Venu Cheggam, learned counsel for the petitioner/accused No.1 and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondents.

4. Learned counsel for the petitioner submits that the petitioner/accused No.1 has not committed any offence and he was falsely implicated in the present crime and the alleged contraband was seized from other accused and there are no specific allegations against the petitioner to attract the ingredients of Section 8(c) read with Sections 20(b)(ii)(c) and 27(b) of the NDPS Act and the material part of the investigation is completed except filing of chargesheet. He further submits that the petitioner was arrested on 01.03.2025 and since then he is in judicial custody and he is not having any criminal antecedents and prays to grant bail as he is ready and

willing to cooperate with the investigation and also abide by the conditions that may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner/accused No.1 stating that the petitioner has committed a grave offence punishable under the provisions of NDPS Act and contraband seized from the petitioner and other accused is 23.5 kgs of dry ganja, which is a commercial quantity and the investigation is in progress and the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 01.03.2025 and since then, he is in judicial custody and even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents.

7. In view of the same, 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.50,000/-(Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of Principal Junior Civil Judge –cum- Judicial Magistrate of First Class at Mancherial, Mancherial District.

(ii) On such release, the petitioner/accused No.1 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) The petitioner/accused No.1 shall abide by the conditions stipulated in Section 483(3) of BNSS.

(iv) It is made clear that after release, if the petitioner/accused No.1 indulges in similar offences, the respondent/State is at liberty to file an application seeking cancellation of bail.

8. Accordingly, the Criminal Petition is allowed.

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

Date: 22.04.2025
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J.SREENIVAS RAO, J