

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5203 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.17 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in connection with Crime No.1661 of 2024 on the file of the Station House Officer, Miyapur Police Station, Cyberabad, registered for the offence punishable under Section 8(c) read with Sections 22(B), 22(C) and 27 of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, “the NDPS Act”).

2. Heard Sri M.P.Sanjay, learned counsel representing Mr. A.Vijay Reddy, learned counsel for the petitioner/accused No.17 and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 05.12.2024, at about 07:00 hours, while the Sub-Inspector of Police, Miyapur

Police Station along with his staff, was on patrolling duty, he apprehended the petitioner in suspicious condition and on his confession, seized 2 grams of MDMA from accused Nos.1 to 3 and 17 grams of MDMA from accused No.4. Basing on the same, the aforesaid crime was registered against the accused.

4. Learned counsel for the petitioner submits that the petitioner/accused No.17 has not committed any offence and he was falsely implicated in the present crime and the police have not seized any contraband from the possession of the petitioner so as to attract the ingredients of Section 8(c) read with Sections 22(B), 22(C) and 27 of the NDPS Act and the alleged contraband of 2 grams of MDMA and 17 grams of MDMA was seized from the possession of accused Nos.1 to 3 and accused No.4 respectively and the only allegation levelled against the petitioner is that he is a sub-peddler. Learned counsel further submits that the petitioner was arrested on 27.03.2025 and since then he is in judicial custody and the

entire investigation is completed except filing of charge sheet and the petitioner is not having any criminal antecedents and accused Nos.1, 2, 3 , 7, 10 and 25 in the aforesaid crime were already released on bail and prays to grant bail to the petitioner/accused No.17 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.17 stating that the petitioner has committed a grave offence punishable under the provisions of NDPS Act and the contraband seized from the petitioner and other accused is 2 grams of MDMA and 17 grams of MDMA, which is a commercial quantity and the investigation is under progress and if the petitioner is granted bail at this stage, he will interfere with the investigation and influence the witnesses and prays to dismiss the criminal petition.

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 27.03.2025 and since then, he is in judicial custody and accused Nos.1, 2, 3, 7, 10 and 25 were already arrested and released on bail and even according to the instructions furnished by the Sub-Inspector of Polic, Miyapur Police Station, the contraband was seized from accused Nos.1 to 4 and the only allegation leveled against the petitioner/accused No.17 is that he is a sub-peddler and he is not having any criminal antecedents.

7. In view of the same, this Court is inclined to grant bail to the petitioner/accused No.17 subject to the following conditions:

- (i) The petitioner/accused No.17 shall execute a personal bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of I Additional District and Sessions Judge at L.B.Nagar.

(ii) On such release, the petitioner/accused No.17 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.17 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.17 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