

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5372 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.2 in COR No.15 of 2025 on the file of the Police, Prohibition and Excise, Golconda, registered for the offences punishable under Sections 8(C) read with 20(b)(ii)(A) of NDPS Act.

2. The case of the prosecution is that 16.9 grams of OG Kush and 1.05 grams of MDMA were found in the possession of the petitioner-accused No.1 and the same was seized. Basing on the same, COR No.15 of 2025 was registered.

3. Heard Mr.Nouman, learned counsel representing Mr.Shaik Hussain, 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 offences and he was falsely implicated in the said crime. Even according to the complaint lodged, contraband seized from the petitioner and other accused is below commercial quantity. The petitioner was arrested on 03.04.2025 and since then, he was in judicial custody. The petitioner is not having any criminal antecedents and he is ready and willing to cooperate with the investigation and also abide by the conditions that may be imposed by the Court. Hence, prayed to grant bail the petitioner.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed the grave offence, the investigation is under progress and 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 the seized contraband is intermediary quantity and the petitioner is in jail from 03.04.2025 and even according to the learned Additional Public Prosecutor, the

petitioner is not having any criminal antecedents. Taking into consideration of the facts and circumstances of the case and submissions made by the respective parties, this Court is inclined to grant bail to the petitioner/accused No.2, subject to the following conditions:

- (i) The petitioner/accused No.2 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 VI Additional Chief Judicial Magistrate, Nampally, Hyderabad.
- (ii) The petitioner/accused No.2 shall appear before the concerned SHO 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) After release if the petitioner/accused No.2 violates any such conditions imposed by this Court, the respondent-State is entitled to file application seeking cancellation of bail.

iv) The petitioner/accused No.2 shall abide by the conditions stipulated in Section 480 (3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 24.04.2025

vsl