

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5282 of 2025

Order:

This Criminal Petition is filed by the petitioners/accused Nos.2 and 7 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking regular bail in connection with Crime No.375 of 2024 of Bibinagar Police Station, Yadadri-Bhongir District, Rachakonda Commissionerate, registered for the offences punishable under Section 8(c) read with Sections 21(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 25.11.2024 at about 13:50 hours, on receipt of credible information regarding illegal drug supply at railway under bridge near Guduru Toll Plaza, the Sub-Inspector of Police, Bibinagar Police Station, along with his staff went to the spot and intercepted two white Hyundai Verna cars and apprehended the petitioner and other accused and seized 100 kgs of Mephedrone from them. Based

on their confession, the aforesaid crime was registered against the accused.

3. Heard Mr. D.Suryanarayana, learned counsel for the petitioners/accused Nos.2 and 7 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed the offence and they were falsely implicated in the present crime. The contraband seized by the police pertains to Ephedrine, but in the first information report, the name was wrongly mentioned as Mephedrone and when the seized contraband was sent for analysis, the Telangana Forensic Science Laboratory issued a report on 20.02.2025 stating that the same is “Ephedrine”, and the same is not included in the schedule of the NDPS Act. He further submitted that the petitioners were arrested on 26.11.2024 and 20.01.2025 respectively and since then they are

in judicial custody. Learned counsel further submitted that similar allegations, as levelled against the petitioners herein are levelled against accused Nos.11 and 14 and accused Nos.11 and 14 were arrested and granted bail *vide* orders dated 02.04.2025 and 04.04.2025 in Crl.P.No.4258 of 2025 and Crl.P.No.4489 of 2025 respectively and that the petitioners/accused Nos.2 and 7 be granted bail as they are ready and willing to cooperate with the investigation and abide by the conditions as may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that investigation is under progress and at this stage, the petitioners are not entitled for grant of bail. However, he has not disputed that the contraband seized from the petitioners is Ephedrine and not Mephedrone and the same is not included in the schedule of the NDPS Act.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on

record, it reveals that the contraband seized from the petitioners/accused Nos.2 and 7 is Ephedrine, which is not included in the schedule of the NDPS Act and the petitioners were arrested on 26.11.2024 and 20.01.2025 respectively and since then they are in judicial custody and accused Nos.11 and 14 in the aforesaid crime were already released on bail.

7. In view of the same, this Court is inclined to grant bail to the petitioners/accused Nos.2 and 7 subject to the following conditions:

- (i) The petitioners/accused Nos.2 and 7 are enlarged on bail on executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to the satisfaction of I Additional District and Sessions Judge, Bhongir District at Bhongir.
- (ii) The petitioners/accused Nos.2 and 7 shall appear before the concerned Station House Officer at 11.00 A.M. on every Monday, for a period of eight (8) weeks, commencing from

26.04.2025 or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.

(iii) The petitioners/accused Nos.2 and 7 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

(iv) It is made clear that after release, if the petitioners/accused Nos.2 and 7 indulge in similar offences, the respondent/State is at liberty to file an application for cancellation of bail.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

Date: 22.04.2025
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J.SREENIVAS RAO, J