

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5291 of 2025

ORDER:

This criminal petition is filed by the petitioner/A2 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) seeking regular bail in C.O.R. No.29 of 2025 of Prohibition and Excise Station, Ameerpet, Hyderabad, registered for the offence punishable under Section 8(c) read with Section 22(b) of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. The case of the prosecution is that on 26.03.2025 at about 09.09 p.m., on receipt of credible information about possession and sale of MDMA at Erragadda Metro Station, the Prohibition and Excise Sub-Inspector of STF-B Team, Hyderabad along with his staff raided the said premises and seized the contraband of 2.78 grams of MDMA from the petitioner and other accused. Basing on the said complaint, the present crime has been registered for the above said offence.

3. Heard Sri Mohammed Rafiuddin Kaleem, learned counsel for the petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioner submits that the petitioner has not committed the offence and he was falsely implicated in the present crime. He further submits that the alleged contraband was seized from the custody of Accused No.1 only. Therefore, the ingredients of Section 8(c) read with Section 22(b) of the NDPS Act do not attract to the petitioner. He further submits that the petitioner is prosecuting Engineering and is not having any criminal antecedents. He further submits that the petitioner was arrested on 26.03.2025 and since then he was in judicial custody and that he is ready and willing to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner and other accused have committed grave offence under the provisions of the NDPS

Act and investigation is under progress. At this stage, 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 police seized the contraband of 2.78 grams of MDMA, which is an intermediate quantity, and the petitioner was arrested on 26.03.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor the petitioner is not having criminal antecedents. The record further reveals that the petitioner is prosecuting Engineering.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner on the following conditions:

(1) The petitioner/A2 is enlarged on bail on executing 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 the III Additional Chief Judicial Magistrate at Nampally, Hyderabad.

(2) The petitioner/A2 shall appear before the concerned SHO at 11:00 A.M. on every Sunday commencing from 04.05.2025 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.

(3) The petitioner/A2 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

8. Accordingly, the criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 23.04.2025
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