

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO
CRIMINAL PETITION No. 5292 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner/accused No.5 in Crime No.9 of 2025 on the file of Prohibition & Excise Police Station, Dhoolpet, Hyderabad registered for the offences punishable under Sections 8 (c) r/w 20 (b)(ii)(B) of NDPS Act, 1985.

2. The case of the prosecution is that on 07.02.2025 at 11.25 A.M., on receipt of credible information, P & E, SI of Police, Dhoolpet along with staff conducted raid at H.no.13-2-270/A/b, Raheempura, Dhoolpet, Hyderabad and apprehended accused Nos.1 to 3 and seized 2 kgs. of dry ganja along with one TVS ICUBE mercury vehicle bearing No.TS 13 A 3421, two mobile phones and as per the confession of accused, they all are family members and are doing illegal ganja selling business with the help of other accused i.e., A-4/Swapna Bai (wife of A-1), A-5/Sunayana (daughter of A-3) and A-6, the supplier of ganja. The present crime was registered a case in Crime No.9/2025 for the aforesaid offence.

3. Heard Mr. Ch. Ravinder, learned counsel for the petitioner/accused No.5 and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent -State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offence and she was falsely implicated in the present crime as accused No.5 basing on the confessional statement given by the accused No.1. He further submitted that police seized the alleged contraband from the other accused and even according to the allegations made in the complaint or in the case dairy, the ingredients of Section 8 (c) r/w 20 (b)(ii) of NDPS Act, 1985 are not attracted against the petitioner. He further contended that the petitioner is not having any criminal antecedents and also submits that the petitioner is ready and willing to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court. Hence, the petitioner may be enlarged on anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave offence under NDPS Act and also submitted that investigation is under progress and if the petitioner/accused No.5 granted anticipatory bail at this stage,

she may tamper the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the police seized the contraband namely 2 kgs of dry ganja from the petitioner and other accused which is an intermediate quantity. Even according to the learned Additional Public Prosecutor the petitioner is not having any criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.5 with the following conditions:

- (i) Petitioner/accused No.5 is directed to surrender before the S.H.O., Prohibition & Excise Police Station, Dhoolpet, Hyderabad on or before 30.04.2025 and on such surrender, she shall be enlarged on bail on executing a personal bond for a sum of Rs.30,000/- (Rupees Thirty Thousand only), with two sureties for a like sum to his satisfaction.
- (ii) On such release, petitioner/accused No.5 shall appear before the S.H.O., Prohibition & Excise Police Station, Dhoolpet, Hyderabad on every

Monday at 11-00 a.m. for a period of four (4) weeks or till filing of the charge sheet, whichever is earlier.

(iii) Petitioner/accused No.5 shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.

(iv) Petitioner/accused No.5 shall not interfere with the investigation or influence the witnesses.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 23.04.2025

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44

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