

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5334 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 Crime No.329 of 2025 on the file of the P.S. KPHB, Kukatpally, registered for the offences punishable under Sections 8(c) r/w 22(C), 29 and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 07.03.2025, while accused No.2 purchasing contraband from accused No.1, Police apprehended them and seized 13 grams of MDMA. Basing on the same, Crime No.329 of 2025 was registered.

3. Heard Mr.Ramakanth Reddy, learned Senior Counsel representing Mr.Raghu Gurram for the petitioner for the petitioner, and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned Senior Counsel for the petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the said crime. He further submitted that even according to the allegations made in the complaint, the alleged contraband i.e., 13 grams of MDMA, was seized from the accused No.1 only. He further submitted that the Police without following the mandatory procedure prescribed under the provisions of the NDPS Act, seized the contraband. He further submitted that the petitioner was arrested on 08.03.2025 and since then he is in judicial custody and he is not having criminal antecedents. He further submitted that entire investigation is completed, except filing of charge sheet and 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 and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.2 along with other accused has committed grave offence under the provisions of NDPS Act and 13 grams of MDMA was seized from possession of the petitioner and other accused, which is a commercial quantity, and the investigation is

under progress. Hence, 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 petitioner was arrested on 08.03.2025 and since then he is in judicial custody. Even according to the learned Senior Counsel for the petitioner, the contraband was seized from accused No.1 only. Even according to the learned Additional Public Prosecutor, 10 witnesses were already examined and the petitioner is not having any other criminal antecedents.

7. Taking into consideration the above said facts and circumstances of the case, 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.25,000/-(Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the I Additional Sessions Judge, Medchal Malkajgiri District at Kushaiguda.

(ii) After release, the petitioner/accused No.2 shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of eight (8) weeks or till filing of the 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 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.

(iv) The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 02.05.2025

vsl