

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5414 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner, who is arrayed as accused No.2, seeking bail in Crime No.347 of 2025 of K.P.H.B. Colony Police Station, Cyberabad, registered for the offences punishable under Sections 20(b)(ii)(A) and 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

2. The case of prosecution in brief is that on 13.03.2025 at about 16.00 hours, the Sub-Inspector of Police, K.P.H.B. Colony Police Station, on receiving credible information that one person came from Mumbai is trying to sell the prohibited drugs in Hyderabad near Indu Fortune Fields, he along with his staff went there at 16.30 hours. On seeing them, accused Nos.2 and 3 were trying to run away from there and immediately caught hold of them and on enquiry, it is stated that they bought the OG Kush (Ganja) from accused No.1 at Mumbai and sold the same to other accused persons. On search, they found 1100 grams of dry

ganja and 260 grams of OG Kush (Ganja) and seized the same under a cover of panchanama. Hence, the complaint.

3. Heard Mr. E. Sudhanshu Rao, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offence and he was falsely implicated in the present crime. Even according to the allegations made in the complaint, the alleged contraband i.e., 1100 grams of dry ganja and 260 grams of OG Kush (ganja), seized from the petitioner and other accused is intermediate quantity. The petitioner was arrested on 13.03.2025 and since then, he has been in judicial custody. He further submitted that the material part of the investigation is completed, except filing of charge sheet. The petitioner is ready to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court. Hence, the petitioner is entitled for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed a grave offence under the

provisions of the NDPS Act and the investigation is under progress. Therefore, 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 police seized contraband i.e., 1100 grams of dry ganja and 260 grams of OG Kush (ganja), which is intermediate quantity. The petitioner was arrested on 13.03.2025 and since then, he is in judicial custody. Taking into consideration the 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.30,000/-(Rupees Thirty Thousand only) with two sureties for a like sum each to the satisfaction of I Additional Sessions Judge, Medchal Malkajgiri District at Kushaiguda, Cyberabad.
- (ii) 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 is involved 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 conditions stipulated in Section 480 (3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 24.04.2025

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