

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5402 of 2025

ORDER:

This criminal petition is filed by the petitioner/A3 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of anticipatory bail to her in C.O.R. No.19 of 2025 of Prohibition and Excise Police Station, Dhoolpet, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. The case of the prosecution is that on 11.03.2025, at about 09:15 a.m., on receipt of credible information regarding sale of dry ganja in house No.14-8-429, Jummerath Bazar, Begum Bazar, Asif Nagar, Hyderabad, the Sub-Inspector of Police, Dhoolpet Police Station, along with his staff went there and apprehended the petitioner and other accused and seized 1.12 kgs of dry ganja from them. Basing on the same, the aforesaid crime was registered against the accused.

3. Heard Sri Suresh Singh, 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. The entire allegations are levelled against accused Nos.1, 2 and 4 and accused Nos.1 and 2 were already enlarged on bail vide orders dated 28.03.2025 and 08.04.2025 respectively before II Additional Sessions Judge, Hyderabad and accused No.4 was already enlarged on bail vide order dated 21.04.2025 of this Court. He further submits that the investigation is completed except filing of charge sheet. The alleged contraband seized by the police is 1.12 kgs of dry ganja, which is intermediate quantity, and the petitioner is not having any criminal antecedents.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed grave offence under the provisions of the NDPS Act and the investigation is under progress. At this stage, if the petitioner is granted

bail, there is every chance of influencing the witnesses and also interfering with the investigation.

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 1.12 kgs of dry ganja, which is an intermediate quantity. According to the learned counsel for the petitioner, accused Nos.1 and 2 were already enlarged on bail in CrI.M.P.No.1265 of 2025 and 1496 of 2025 vide orders dated 28.03.2025 and 08.04.2025 respectively before II Additional Sessions Judge, Hyderabad and accused No.4 was already enlarged on bail in CrI.P.No.5062 of 2025 vide order dated 21.04.2025 of this Court. 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 petitioner/A3 on the following conditions:

- (1) The petitioner/A3 is directed to surrender before the Station House Officer, Dhoolpet Police Station, on or before 30.04.2025.

(2) On such surrender, the Station House Officer shall release the petitioner on bail on his 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 said officer.

(3) On such release, the petitioner/A3 shall appear before the Station House Officer, Dhoolpet Police Station, on every Monday at 11:00 a.m., 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 for investigation.

(4) After release, the petitioner/A3 shall not interfere with the investigation or influence the witnesses.

(5) The petitioner/A3 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

8. Accordingly, the criminal petition is allowed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 24.04.2025
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