

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5434 of 2025

ORDER:

This criminal petition is filed by the petitioner/A4 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of anticipatory bail to him in C.O.R. No.108 of 2024 of Prohibition and Excise Police Station, Patancheru, Sanga Reddy District, registered for the offence punishable under Section 8(c) read with Sections 20(b)(ii)(B) and 17(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 25.04.2024 at 11.00 a.m., on credible information about possession of Opium and dry ganja at House No.7-255, Ramaneeeya Enclave, Phase-II, Chitkul Village, Patancheru Mandal, Sangareddy, Sri Ch. Chandrashekar, Prohibition and Excise Inspector, AC Enforcement, Medak, along with panch witnesses visited the said premises and found two persons, who are accused Nos.1 and 2, who confessed that they brought material from the petitioner and he is staying at Tellapur Town. Accordingly, the said Prohibition and

Excise Inspector along with panch witnesses and Accused Nos.1 and 2 visited the petitioner's house and seized 2 kgs of dry ganja from car bearing No.RJ 27 CF 9987. Basing on the said complaint, the present crime has been registered for the above said offences.

3. Heard Sri Lalith Jogi, 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 basing on the confessional statement given by Accused Nos.1 and 2. He further submits that the alleged contraband of 120 grams of Opium and 2.550 kgs of dry ganja, which is below commercial quantity, was recovered from the other accused. He further submits that Accused Nos.1 and 2 were already enlarged on bail vide order dated 01.07.2024 in CrI.M.P.No.728 of 2024, before I Additional District and Sessions Judge, Sangareddy, and the entire investigation is completed except filing of charge sheet and that the petitioner is not having any criminal antecedents. He

further submits that the petitioner 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 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 sized the contraband of 120 grams of Opium and 2.550 kgs of dry ganja, which is an intermediate quantity, from the petitioner and other accused. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents and he is not involved in similar offence and that accused Nos.1 and 2 were already enlarged on bail vide order dated 01.07.2024 in CrI.M.P.No.728 of 2024,

before I Additional District and Sessions Judge, Sangareddy.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to petitioner/A4 on the following conditions:

(1) The petitioner/A4 is directed to surrender before the Station House Officer, Prohibition and Excise Police Station, Patancheru, Sanga Reddy District 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/A4 shall appear before the Station House Officer, Prohibition and Excise Police Station, Patancheru, Sanga Reddy District 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, if the petitioner/A4 involves in similar offence, the respondent- State is at liberty to

file an application seeking cancellation of bail granted in his favour.

(5) The petitioner/A4 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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