

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5476 of 2025

ORDER:

This criminal petition is filed by the petitioner/A4 under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) seeking regular bail in Crime No.69 of 2025 on the file of Gopalpuram Police Station, Hyderabad District, registered for the offence punishable under Sections 8(c), 20(b)(ii)(B) and 29 of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. The case of the prosecution is that on 11.04.2025 at about 1530 hours, on receipt of credible information that some male persons are regularly selling Ganja to the needy customers at Akshaya Lodge, Secunderabad, the Sub-Inspector of Police, Gopalpuram Police Station, visited the said place and seized 5 kgs of dry ganja from the accused and registered the present crime.

3. Heard Sri M. Sateesh, 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 alleged contraband was seized from the other accused and therefore, the ingredients under the provisions of the NDPS Act do not attract against the petitioner. The petitioner is not having any criminal antecedents and he has not involved in any similar offence. The petitioner was arrested on 11.04.2025 and since then he is in judicial custody and that he 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 investigation is under progress. At this stage, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the contraband seized is 5 kgs of dry ganja, which is an intermediate quantity. The petitioner was arrested on 11.04.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor the petitioner is not having any criminal antecedents and he has not involved in any similar offence.

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

(1) The petitioner/A4 is enlarged on bail on 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 X Additional Chief Judicial Magistrate at Secunderabad.

(2) The petitioner/A4 shall appear before the concerned SHO at 11:00 A.M. on every Monday 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.

(3) After release, if the petitioner/A4 indulges in the very same offence, the respondent State is at liberty to file an application seeking cancellation of the bail granted in his favour.

(4) The petitioner/A4 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

8. Accordingly, the criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 28.04.2025
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