

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5688 of 2025

ORDER:

This criminal petition is filed by the petitioner/A4 under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of regular bail in Crime No.712 of 2024 of Balanagar Police Station, Medchal-Malkajgiri District, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(C) and Section 29 of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. The case of the prosecution is that on 31.10.2024 on reliable information that at about 17:00-17.30 hours, there would be exchange of illegally trafficked prohibited drug Hashish oil behind TGS RTC bus stop near Vimal theatre, the police conducted raid and they found three persons aged between 30 to 40 in suspicious manner. In the meanwhile two persons came on Pulsor bike duly making the contraband in one carry bag and when they were in conversion, immediately they approached suspected

persons and seized the Hashish Oil from the possession of accused. Basing on the complaint, the police registered the case for the above offences against the accused.

3. Heard Sri Sai Sumanth, learned counsel representing Dr. Medisi Ratna Rao, 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 provisions of NDPS Act do not attract against the petitioner. He further submits that the petitioner was arrested on 31.10.2024 and since then he is in judicial custody. The entire investigation is completed and charge sheet has been filed. The petitioner is not having any criminal antecedents and he is ready and willing to cooperate before the concerned Court for disposal of the case.

5. Per contra, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the contraband seized is 2.590 kgs of Hashish oil, which is a commercial quantity. Hence, 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 petitioner was arrested on 31.10.2024 and for more than 181 days, he was in judicial custody. Learned Additional Public Prosecutor basing on the written instructions furnished by the Sub-Inspector of Police, Balanagar Police Station, submits that the investigating officer after conducting investigation filed charge sheet on 28.03.2025 before the I Additional Metropolitan Sessions Judge, Medchal Malkajgiri at Kushaiguda and 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 bail to the petitioner 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 I Additional Metropolitan Sessions Judge, Medchal Malkajgiri at Kushaiguda.

(2) The petitioner/A4 shall appear before the concerned Court on each and every adjournment.

(3) After release, if the petitioner/A4 indulges in similar offence, the respondent State is entitled to file an application seeking cancellation of bail.

(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.

J.SREENIVAS RAO, J

Date: 30.04.2025
ES