

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5492 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.3 in Crime No.1021 of 2024 on the file of Pet Basheerbad Police Station, Medchal Malkajgiri District, registered for the offences punishable under Sections 8(c) r/w 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 07.08.2024, petitioner along with other accused was found in possession of 16 grams of MDMA. Basing on the same, a case was registered in Crime No.1021 of 2024.

3. Heard Ms.Meghana Addla Suneel, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in

the said crime, basing on the confession statement given by accused No.1 only. She further submitted that the Police without following the mandatory procedure prescribed under the provisions of the NDPS Act, seized the contraband. She further submitted that the petitioner was arrested on 23.03.2025 and since then he is in judicial custody and he is not having criminal antecedents. She further submitted that similar allegations are levelled against accused No.1 in the said crime, as they were against petitioner/accused No.3 and he approached this Court and filed CrI.P.No.11683 of 2024 and this Court granted bail to him on 03.10.2024. She further submitted that the petitioner is prosecuting his BA Psychology course in Sri Ramashankar Bal Gopal Mahavidyalaya, Nasirpur, Ghazipur (U.P) affiliated to Veer Bahadur Singh Purvanchal University, Jaunpur (U.P) and he has to attend examinations for the year 2024-2025, which are going to be held from 27.04.2025 to 18.05.2025 and unless the petitioner is released on bail, he will be put to great irreparable loss and hardship. She further submitted that entire investigation is completed, except filing of charge sheet and the petitioner is ready to cooperate with the investigation and also ready to abide by the

conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.3 has committed grave offence under the provisions of NDPS Act and 16 grams of MDMA was seized from possession of the petitioner and other accused, which is a commercial quantity. He further submitted that as accused No.1 is not having any other criminal antecedents, this Court has granted bail and petitioner is not entitled to seek bail on that ground and the investigation is under progress. Hence, 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 petitioner was arrested on 23.03.2025 and since then he is in judicial custody. The documents which are filed by the learned counsel for the petitioner along with memo vide USR No.43941 of 2025, dated 21.04.2025, reveals that the petitioner is prosecuting his BA Psychology Course in Sri Ramashankar Bal Gopal Mahavidyalaya, Nasirpur, Ghazipur (U.P)

affiliated to Veer Bahadur Singh Purvanchal University, Jaunpur (UP) and he has to attend examinations for the year 2024-2025, which are going to be held from 27.04.2025 to 18.05.2025. Even according to the learned Additional Public Prosecutor, 15 witnesses were already examined and material part of the investigation is completed

7. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.3, subject to the following conditions:

(i) The petitioner/accused No.3 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 the IX Additional Metropolitan Magistrate, Medchal Malkajgiri District.

(ii) After release, the petitioner/accused No.3 shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday commencing from 19.05.2025, 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.3 indulges 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.3 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 23.04.2025
vsl