

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5555 of 2025

ORDER:

This criminal petition is filed by the petitioner/A1 under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) seeking regular bail in Crime No.452 of 2024 on the file of Malakpet Police Station, Hyderabad, registered for the offence punishable under Sections 8(c) read with Section 20(b)(ii)(C) of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. The case of the prosecution is that on 16.12.2024, on receipt of credible information that some persons are travelling in White Baleno Car bearing No.TG 07 ETR 3341 accompanied by KTM Bike bearing No.TS 09 GE 5325 and are transporting prohibited ganja, the police conducted raid and seized the contraband of 30 kgs of ganja from the possession of the accused persons, including the petitioner. Basing on the same, the present crime was registered.

3. Heard Sri M. Mahesh, learned counsel representing Ms. B. Rajani, 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 there are no specific allegations against the petitioner to attract the ingredients under the provisions of the NDPS Act. The petitioner was arrested on 16.12.2024 and since then he is in judicial custody and that the entire investigation is completed except filing of charge sheet. He further submits that accused Nos.2 to 5 were arrested and already enlarged on bail and 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 contraband seized from the petitioner and other accused is a commercial quantity and that 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 petitioner was arrested on 16.12.2024 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor the 14 witnesses were already examined and he has not disputed that accused Nos.2 to 5 were already enlarged on bail.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/A1 on the following conditions:

- (1) The petitioner/A1 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

VII Additional Chief Judicial Magistrate, Nampally,
Hyderabad.

(2) The petitioner/A1 shall appear before the concerned SHO 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.

(3) After release, if the petitioner/A1 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/A1 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: 29.04.2025
ES