

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION Nos.5569 and 5592 of 2025

COMMON ORDER:

Both the criminal petitions are arising out of COR No.13 of 2025. Hence, both the criminal petitions are heard together and disposed of by this common order.

2. These Criminal Petitions are filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioners/accused Nos.2 and 3 in COR No.13 of 2025 on the file of Prohibition and Excise Station, Uppal, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 22(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 34(a) of T.S.Excise Act, 1968.

3. The case of the prosecution is that on 16.02.2025, while conducted raid, Police found petitioner along with other accused in possession of 18.07 grams of MDMA, 1.287 kgs of dry ganja and 53 grams of OG Kush (Hybrid strain of ganja) and seized the same. Basing on the same, a case was registered in Crime No.13 of 2025.

4. Heard Mr.SBhargav, learned counsel for the petitioner/accused No.2 in CrI.P.No.5569 of 2025 and Mr.K.Rathanga Pani Reddy, learned counsel for the petitioner/accused No.3 in CrI.P.No.5592 of 2025 and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

5. Learned counsel for the petitioners submitted that petitioners have not committed alleged offence and they were falsely implicated in the above crime and the contraband was seized from the other accused. They further submitted that the seized contraband is intermediary quantity and the ingredients under provisions of NDPS Act are not attracted against the petitioners. He further submitted that the petitioners were arrested on 16.02.2025 and since then, they were in judicial custody. They further submitted that entire investigation is completed, except filing of charge sheet and the petitioners are not having criminal antecedents. They further submitted that petitioner/accused No.2 is prosecuting his B.Tech in Bharath Institute of Science and Technology (CBCS)-BIHER and petitioner/accused No.3 is prosecuting his M.Sc. in ICMR National Institute of Nutrition, Tarnaka and they are 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.

6. *Per contra*, learned Additional Public Prosecutor submitted that petitioners have committed grave offence under the provisions of NDPS Act and the seized contraband is commercial quantity and the investigation is under progress. Hence, at this stage the petitioners are not entitled for grant of bail.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that, petitioner/accused No.2 is prosecuting his B.Tech in Bharath Institute of Science and Technology (CBCS)-BIHER and petitioner/accused No.3 is prosecuting his M.Sc. in ICMR National Institute of Nutrition, Tarnaka and they were arrested on 16.02.2025 and since then they were in judicial custody. The record further reveals that except one contraband namely MDMA, other two contraband seized by the Police are intermediate quantity. Even according to the learned Additional Public Prosecutor, 2 witnesses were already examined and petitioners are not having any other criminal antecedents.

8. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners/accused Nos.2 and 3, subject to the following conditions:

(i) The petitioners/accused Nos.2 and 3 shall execute a personal bond for a sum of Rs.25,000/- (Rupees twenty five Thousand only) each with two sureties for a like sum each to the satisfaction of the II Additional Junior Civil Judge-cum-VI Additional Metropolitan Magistrate, Medchal-Malkajgiri District at L.B.Nagar.

(ii) The petitioners/accused Nos.2 and 3 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.

(iii) After release, if the petitioners/accused Nos.2 and 3 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in their favour.

(iv) The petitioners/accused Nos.2 and 3 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petitions are allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 29.04.2025

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