

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5617 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 petitioners/accused Nos.4 to 6 in Crime No.438 of 2024 on the file of Kachiguda, Hyderabad, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 23.11.2024, at 10:55 AM, the accused were found in possession of 119.6 kgs of ganja at the Parcel Office, Kachiguda, intended to deliver the same to needy customers. Basing on the same a case was registered in Crime No.438 of 2024.

3. Heard Mr.P.Prabhakar Reddy, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that petitioners have not committed any offence and the contraband was seized from the other accused and basing on the confessions statement given by accused Nos.1 to 3, petitioners were falsely implicated in the above said crime. He further submitted that even according to the remand case diary, the Police seized 4 ganja bags at the parcel office of Kachiguda Railway Station and that if the said contraband is deducted, the petitioners are entitled for grant of bail. He further submitted that petitioners were arrested on 23.11.2024 and since more than 160 days he is in judicial custody and the entire investigation is completed, except filing of charge sheet. He further submitted that the petitioners 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.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioners/accused Nos.4 to 6 along with other accused have committed grave offence under the provisions of NDPS Act and 119.6 kgs. of ganja was seized from possession of the petitioners

and other accused, which is a commercial quantity and petitioner No.1/accused No.4 is involved in similar offence and as per Section 37 of the NDPS Act, he is not entitled for grant of bail. He further submitted that the investigation is under progress and at this stage, the petitioners are 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 petitioners/accused Nos.4 to 6 were arrested on 23.11.2024 and since more than 160 days, they are in judicial custody. Even according to the learned Additional Public Prosecutor, petitioner No.1/accused No.4 is involved in similar offence and as per Section 37 of the NDPS Act, he is not entitled for grant of bail and petitioner Nos.2 and 3/accused Nos.5 and 6 are not having criminal antecedents.

7. Taking into consideration the facts and circumstances of the case and submissions made by the respective parties, since petitioner No.1/accused No.4 is involved in similar offence, this Court is not inclined to grant bail to him. Hence, the petition stands dismissed in respect of petitioner No.1/accused No.4. Insofar as

petitioner Nos.2 and 3/accused Nos.5 and 6 are concerned, since there are no criminal antecedents against them, this Court is inclined to grant bail to petitioner Nos.2 and 3/accused Nos.5 and 6, subject to the following conditions:

(i) The petitioner Nos.2 and 3/accused Nos.5 and 6 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 IV Additional Chief Judicial Magistrate, Nampally, Hyderabad.

(ii) The petitioner Nos.2 and 3/accused Nos.5 and 6 shall appear before the concerned SHO monthly twice, at 11.00 A.M. on 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, the petitioner Nos.2 and 3/accused Nos.5 and 6 shall not influence the witnesses or interfere with the investigation.

iv) The petitioner Nos.2 and 3/accused Nos.5 and 6 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed in part. Insofar as petitioner No.1/accused No.4 is concerned, this petition is dismissed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 02.05.2025
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