

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION NO.5649 OF 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') seeking bail to the petitioner/accused No.1 in Crime No.233 of 2024 of Kodad Rural Police Station, Suryapet District, registered for the offences punishable under Sections 29 and 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

2. The case of the prosecution is that on 17.11.2024 at around 16.00 hours, the Sub-Inspector of Police, Kodad Rural Police Station, received information about a person transporting ganja from Vijayawada to Hyderabad in a Honda City Car bearing registration No.AP-11AM-9991. The car was intercepted at Chimiryala Cross Road, and the occupant, petitioner/accused No.1, confessed to transporting ganja. A search of the car revealed 37 packets of ganja, weighing about 37.46 KGs., which were seized. Petitioner confessed to have acted on instructions from accused No.2, who had provided the car and an advance payment of Rs.3,00,000/- to

transport the ganja. The seized ganja and petitioner were taken to the police station and a case was registered against the petitioner and accused No.2. Aggrieved thereby, this Criminal Petition is filed.

3. Heard Mr. P. Prabhakar Reddy, learned counsel for the petitioner/accused No.1 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent/State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime. The alleged contraband was seized from the other accused. The petitioner was arrested on 17.11.2024 and since then he is in judicial custody. The entire investigation is completed, except filing of charge sheet. He further submits that the petitioner is not having any criminal antecedents and he is ready and willing to cooperate with the investigation, and also abide by the conditions that may be imposed by this Court. Hence, he prays to grant bail to the petitioner/accused No.1.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner and other accused have

committed grave offence under the provisions of the NDPS Act and the contraband seized is 37.46 kgs of ganja, which is commercial quantity, and the investigation is under progress. At this stage, if the petitioner is granted regular bail, he will interfere with the investigation and also influence the witnesses. Therefore, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by learned counsel for the parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 17.11.2024 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, 11 witnesses were already examined and major portion of investigation is completed.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.1 subject to the following conditions:

- (i) The petitioner/accused No.1 shall be released on bail on his executing 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 Court of

the I Additional Judicial First Class Magistrate at Kodad.

(ii) The petitioner/accused No.1 shall appear before the concerned Station House Officer whenever his presence is required.

(iii) After release, if the petitioner/accused No.1 involves in similar type of offence, the respondent-State is entitled to file an application seeking cancellation of bail.

(iv) The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C./Section 480(3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 30.04.2025
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