

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5694 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner, who is arrayed as accused No.2, seeking bail in Crime No.716 of 2024 of Begumpet Police Station, Hyderabad District registered for the offences punishable under Sections 22 (c), 27 and 29 read with Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, 'NDPS Act').

2. The case of prosecution, in brief, is that on 29.11.2024 at about 11-45 hours accused Nos.2 to 7 were found in possession of 125 grams of Amphetamine (total weight is 254 grams including the weight of containers). Therefore, a case in Crime No.716 of 2024 was registered against the petitioner and other accused for the aforesaid offences.

3. Heard Mr.S.Chandrashekar Yadav, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned counsel for the petitioner submitted that petitioner has not committed any offence and he was falsely implicated in the present crime. The police have not followed the procedure prescribed under Section 52A of NDPS Act while drawing the samples. The police prepared the seizure panchanama on 29.11.2024 and they made an application under Section 52A of NDPS Act to draw samples before the Magistrate on 17.12.2024. There was a delay of 18 days in making an application. The petitioner was arrested on 29.11.2024 and since more than 151 days he is in judicial custody. He further submitted that accused No.3 approached this Court and filed CrI.P.No.4481 of 2025 for grant of bail. The same was allowed on 09.04.2025. The very same allegations are levelled against the petitioner and the petitioner is entitled for grant of bail. He further submitted that the material part of the investigation is completed, except filing of charge sheet and the petitioner is ready to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court, and hence, prayed for grant of bail.

5. *Per Contra*, the learned Additional Public Prosecutor submitted that police seized the contraband 254 grams of Amphetamine which is in commercial quantity and the investigation is under progress. Therefore, 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 the petitioner was arrested on 29.11.2024 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor material part of investigation had already been completed and there are no criminal antecedents against the petitioner and 14 witnesses were already examined. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.2 subject to the following conditions:

- (i) The petitioner/accused No.2 is enlarged on bail on his executing a personal bond for a sum of Rs.30,000/- with two sureties for a like sum each to the satisfaction of the Hon'ble Sessions Judge, Hyderabad District at Nampally.
- (ii) The petitioner/accused No.2 shall appear before the concerned S.H.O. at 11.00 A.M. on every Monday, 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.2 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.2 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

7. 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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THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6117 of 2025

Date: 30.04.2025

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