

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5695 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.3, seeking bail in Crime No.79 of 2025 of Chaitanyapuri Police Station, Rachakonda Commissionerate registered for the offences punishable under Sections 8(c) read with Section 21 (c) read with 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, 'NDPS Act').

2. The case of prosecution is that on 24.01.2025, petitioner, along with other accused, was found in possession of 37.5 grams of MDMA. Basing on the same a case was registered in Crime No.79 of 2025.

3. Heard Mr.T.Rahul, 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 above crime and the police have not seized the contraband from the possession of the

petitioner. He further submitted that the petitioner was arrested on 24.01.2025 and since then he has been in judicial custody. He further submitted that the petitioner completed his post graduation in USA and came to India to look after his father, who is suffering from health problems. He further submitted that the entire investigation is completed, except filing of the charge sheet.

5. *Per Contra*, learned Additional Public Prosecutor opposed the bail petition and submitted that the petitioner has committed a grave offence under the provisions of NDPS Act and the contraband seized from the petitioner and other accused is in commercial quantity and the investigation is under progress. At this stage, 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 that the petitioner completed his post graduation in USA and came to India to look after his father, who is suffering from health problems and he was arrested on 24.01.2025 and since then he is in judicial custody. Even according to the learned Public Prosecutor the petitioner is not having any criminal antecedents and he is not involved in similar offences

under the provision of NDPS Act and 11 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.3 subject to the following conditions:

- (i) The petitioner/accused No.3 is enlarged 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 IV Additional Metropolitan Magistrate-cum-IV Additional Junior Civil Judge, L.B.Nagar.
- (ii) The petitioner/accused No.3 shall appear before the concerned S.H.O. at 11.00 A.M. on every Saturday, 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.3 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.3 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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