

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5749 of 2025

ORDER:

This criminal petition is filed by the petitioners/A5 and A8 under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') to enlarge them on bail in Crime No.104 of 2024 of Talamadugu Police Station, registered for the offence punishable under Section 8(c) read with Sections 20(b)(ii)(C), 27-A and 29 of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act").

2. The case of the prosecution is that on receipt of reliable information that, two persons were driving from Adilabad towards Kinwat, Maharashtra in brown colour Eicher Van bearing No. UK 08 CB 5318 and that it would proceed between 7.30 to 9.30 by carrying prohibited ganja in a container vehicle, the Circle Inspector of Police, Adilabad Rural Police Station informed the same to his superior officers and they went to the inter-state border check post at Laxmipur Village of Talamadugu Mandal at 7.30 hours for conducting vehicle checkup and at about 8.00 hours they noticed a brown colour Eicher container bearing No. UK 09 CB 5318 was coming and

on search, they found the vehicle was contained contraband i.e. 864.27 kgs of ganja. The driver and cleaner of the said vehicle identified themselves and they were taken into custody. Basing on the same, the present case was registered for the aforesaid offences.

3. Heard Sri P. Vidhyadar Goud, learned counsel representing Sri R. Sushanth Reddy, learned counsel for the petitioners, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioners submits that the petitioners have not committed the offence and they were falsely implicated in the present crime. He further submits that the police without following the mandatory procedure prescribed under the provisions of the NDPS Act have seized the contraband. He further submits that the petitioners were arrested on 18.10.2024 and since then they were in judicial custody and the investigating officer has not filed the charge sheet within the stipulated time as provided under the provisions of BNSS and therefore, the petitioners are entitled for grant of bail. He further submits that the petitioners are ready

and willing to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the contraband seized from the petitioners and other accused is 864.27 Kgs of Ganja, which is commercial quantity, and the investigation is under progress. Therefore, at this stage, the petitioners are not entitled for grant of bail. However, he has not disputed that the investigating officer has not filed charge sheet even after expiry of the statutory period.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioners were arrested on 18.10.2024 and since then they are in judicial custody. It is noteworthy to mention that no charge sheet is filed as on date.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners on the following conditions:

- (1) The petitioners/A5 and A8 are enlarged on bail on each of them executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousands only) each with two sureties for a like sum each to the satisfaction of

the Judicial First Class Magistrate (PCR) Court at Adilabad.

- (2) The petitioners/A5 and A8 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 charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- (3) After release, if the petitioners/A5 and A8 indulge in the very same offence, the respondent-State is entitled to file an application seeking cancellation of bail.
- (4) The petitioners/A5 and A8 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

8. Accordingly, the criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 01.05.2025
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