

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION Nos.5748 & 5750 of 2025

COMMON ORDER:

Crl.P.No.5748 of 2025 is filed by the petitioner/A3 and Crl.P.No.5750 of 2025 is filed by the petitioners/A1 and A2 under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of regular bail in C.O.R.No.265 of 2024 of Prohibition and Excise Station, Khammam-I, registered for the offence punishable under Section 8(c) read with 20(b) of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, "the NDPS Act"). Hence, both the matters are clubbed together and are being disposed of by way of this common order.

2. The case of the prosecution is that on 20.12.2024 at 01:15 p.m., while the Prohibition and Excise Inspector, Khammam, along with his staff were conducting route watch near Jammi Banda Bazar (Cheruvu Bazar), near Tank Bund, Khammam (U), they found three persons suspiciously and when they stopped and checked them, they found that they were in illegal possession and

transportation of contraband of 1.510 kgs of dry ganja and thereafter, arrested them and registered the present crime.

3. Heard Sri B. Muralidhar, learned counsel for the petitioner in Crl.P.No.5748 of 2025 and Ms. P. Sanjanna, learned counsel representing Sri P. Venkatesh, learned counsel for the petitioners in Crl.P.No.5750 of 2025, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioners submit that the petitioners have not committed the offence and they were falsely implicated in the present crime. The alleged contraband seized by the police is 1.510 kgs of dry ganja, which is an intermediate quantity. He further submits that the petitioners were arrested on 20.12.2024 and since then they are in judicial custody. The petitioners are not having any criminal antecedents and they are ready and willing to cooperate with the investigation and also abide by the conditions which are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioners have committed grave offence under the provisions of the NDPS Act and the investigation is under progress. At this stage, the petitioners are not entitled for grant of bail.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the contraband of 1.510 kgs of dry ganja seized is an intermediate quantity and the petitioners are languishing in jail since 20.12.2024.

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/A1 to A3 are enlarged on bail on executing 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 Special Judicial Magistrate of First Class (Prohibition and Excise Cases) at Khammam.

(2) The petitioners/A1 to A3 shall appear before the concerned SHO 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/A1 to A3 indulge in similar offence, the respondent State is entitled to file an application seeking cancellation of bail.

(4) The petitioners/A1 to A3 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

8. Accordingly, both the criminal petitions are allowed.

Pending miscellaneous applications, if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 01.05.2025
ES