

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO
CRIMINAL PETITION No.5868 OF 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhitha, 2024 (for short 'BNSS') seeking regular bail to the petitioner/accused No.1 in Crime No.1221 of 2024 on the file of Chandanagar Police Station, Cyberabad, registered for the offences punishable under Section 8(c) r/w Section 20(b)(ii) and 9(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

2. The case of the prosecution is that on 29.11.2024 at about 23:00 hours, on receipt of credible information about illegal transportation of dry ganja, the Sub-Inspector of Police, Chandanagar Police Station, along with his staff conducted vehicle check at Hanuman Temple, Gangaram, and apprehended petitioner/accused No.1 and other accused, who were illegally transporting dry ganja in commercial quantity from R.C.Puram to Chandanagar in Mahindra XUV 300 Car bearing registration No.TS22H5068 and seized 57 Kgs of dry ganja. Based on the same, the aforesaid crime was registered against the accused.

3. Heard Mr. Ravuri Sai Sumanth, learned counsel for the petitioner/accused No.1 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence and he was falsely implicated in the present crime. The police without following the mandatory procedure prescribed under the provisions of the NDPS Act, searched and seized the contraband. He further submits that the petitioner was arrested on 30.11.2024 and for more than 130 days he is in judicial custody and the material part of the investigation was already completed. He further submits that the very same allegations were alleged against accused Nos.2 and 3 and they were already enlarged on bail. The petitioner is not having any criminal antecedents and he is not involved in similar offence under the provisions of the NDPS Act. The petitioner is 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 submitted that the petitioner has committed grave offence and the contraband seized from the petitioner and other accused is a commercial quantity. 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 learned counsel for the parties and on perusal of the material available on record, it reveals that the petitioner was arrested on 30.11.2024 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, seven witnesses were already examined and the petitioner is not having any criminal antecedents. Even according to the learned counsel for the petitioner, accused Nos.2 and 3 were already enlarged on bail.

7. In view of the same, this Court is inclined to grant bail to the petitioner/accused No.1, subject to the following conditions:

- (i) Petitioner/accused No.1 shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the

satisfaction of the XIII Additional Metropolitan Sessions Judge, Ranga Reddy at L.B. Nagar.

(ii) On such release, the petitioner/accused No.1 shall appear before the concerned Station House Officer 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.

(iii) The petitioner/accused No.1 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

(iv) It is made clear that after release, if the petitioner/accused No.1 involves in similar offences, the respondent – State is at liberty to file an application seeking cancellation of bail granted in his favour.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J