

THE HON'BLE SRI JUSTICE J.SREENIVASRAO

CRIMINAL PETITION No.5893 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused No.4, seeking bail in Crime No.173 of 2024 of Mulugu Police Station, Siddipet District, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(A) and 29 of the Narcotic Drugs and Psychotropic Substances Act,1985 (hereinafter referred to as, 'NDPS Act').

2. Heard Mr. K.Shiva Reddy, learned counsel for the petitioner and Mr.Syed Yasar Moon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that since few years accused Nos.1 to 3 were addicted to consume and sell ganja. On 11.07.2024 accused Nos.1 to 3 went to the petitioner/accused No.4 on motorcycle of accused No.1 and bought ten packets of ganja for Rs.300/- each from accused No.4 for the purpose of consuming and selling. Accused Nos.1 to 3 went to Medchal limits and sold 8

packets of ganja to unknown persons and kept the remaining two packets of ganja weighing about 76.29 grams and 61.47 grams in their bikes and from there they went to a venture at Banda Mailaram Village limits to sell the same. Meantime, police personnel apprehended them while they were trying to sell ganja and seized ganja packets, envelop covers, mobile phones and motorbikes of accused persons under the cover of panchanama.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and she was falsely implicated in this case basing on the confessional statements of the other accused. The alleged contraband was seized from the other accused. Even according to the allegations made in the complaint, the alleged contraband is 137.76 grams of dry ganja, which is an intermediate quantity. The other accused were already enlarged on bail. The petitioner is not involved in any other crime and 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. Therefore, he prayed to grant anticipatory bail to the petitioner.

5. *Per contra*, learned Additional Public Prosecutor appearing on behalf of respondent opposed the bail petition and submitted that the petitioner has committed a grave offence, which is punishable under the provisions of NDPS Act. Moreover, the investigation is under progress. Therefore, the petitioner is not entitled for grant of anticipatory 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 seized contraband is an intermediate quantity. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents and she is not involved in similar offence. Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

- i) The petitioners/accused No.4 is directed to surrender before the S.H.O., Mulugu Police Station, on or before 07.05.2025 and on such surrender, the Station House Officer is directed to release the petitioner on bail on her executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only), with two sureties for a like sum each to his satisfaction.

- ii) After release, the petitioner/accused No.4 shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of eight weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
 - iii) After release, the petitioner/accused No.4 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court.
 - iv) The petitioner/accused No.4 shall abide by the conditions stipulated under Section 482 (2) of BNSS.
7. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 02.05.2025
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