

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5851 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner/accused No.9 in Crime No.214 of 2025 on the file of the Hanumakonda, Hanumakonda District, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 29 of NDPS.

2. The case of the prosecution is that on 15.04.2025, while Police performing patrolling duty, they apprehended petitioner along with other accused and seized 10 kgs of ganja and 2 kgs of Ashish Oil. Basing on the same a case was registered in Crime No.214 of 2025.

3. Heard Sri A.Prabhakar Rao, learned counsel for petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the above crime. He further submitted that even according to the allegations made in the complaint, contraband was seized from the other accused and only allegation levelled against the petitioner is that he purchased ganja from accused Nos.1 to 3 and the basing on the confession statement given by accused Nos.1 and 2 and the contraband seized is an intermediate quantity. He further submitted that the petitioner is not having any other criminal antecedents and he is ready and willing to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner along with other accused has committed grave offence under the provisions of the NDPS Act and investigation is under progress and if the petitioner/accused No.9 is granted anticipatory bail at this stage, he may tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that accused Nos.1 to 3 sold 1.5 kgs of dry ganja to accused Nos.7 to 9 and the contraband seized is an intermediate quantity. Insofar as Ashish oil is concerned, no allegations are levelled against the petitioner. Even according to the learned Additional Public Prosecutor, petitioner is not having any other criminal antecedents.

7. Taking into consideration of the above facts, this Court is of the considered view that petitioner/accused No.9 is entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioner/accused No.9 shall surrender before the Station House Officer of Hanumakonda, Hanumakonda District on or before 07.05.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.9 on bail on his executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) with two sureties, for the like sum each.
2. The petitioner/accused No.9 shall appear before the concerned SHO at 11.00 A.M. on every Saturday, 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 petitioner/accused No.9 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the anticipatory bail granted by this Court in his favour.
 4. The petitioner/accused No.9 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.
8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 01.05.2025
vsl