

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5871 of 2025

Order:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2024 (for short 'BNSS') seeking bail to the petitioner/accused No.2 in Crime No.52 of 2025 on the file of the RPS-GRP Police Station, Secunderabad, registered for the offence punishable under Section 8 (c) read with 20 (b)(ii)(c) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'the NDPS Act').

2. The case of the prosecution is that on 03.02.2025 at 10:00 hours, SI of Police, RSP, Secunderabad, along with team were conducting general checking on platforms of Secunderabad Railway Station, at 11.20 AM, on arrival of Konark Express on plat form No. 10, they boarded rear side of said train, while conducting check, found a male person (i.e., A2) under suspicious circumstances carrying three bags under his seat, apprehended him and on enquiry, he revealed that on the directions of A1 (absconding) on 02-02-2025, he brought

29 packets of dry ganja wrapped with brown colour at Chatrapur and transporting the same to Pune of Maharashtra State by Konark Express train via Secunderabad, and seized total 56.285 kgs of ganja, one Vivo Y 100 cellphone of the accused under cover of panchanama, then A2, along with seized property and case papers, were handed over to SHO, RPS Secunderabad, basing on which, a case is registered in Cr.No. 52 of 2025 for the offences under Section 8(c) r/w 20(b)(ii)(C) of NDPS Act, 1985, effected the arrest of accused No. 2 and remanded him to judicial custody on 04-02-2025.

3. Heard Mr. Khaja Arajuddin, learned counsel for the petitioner/accused No.2 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner was falsely implicated in the present crime. The alleged contraband was seized from accused No.1. He further submitted that the petitioner is an agriculturists and the entire

family is depending on his income. He is not having any criminal antecedents. He was arrested on 03.02.2025 and since then he was in judicial custody. He further submitted that the petitioner/accused No.2 is ready to cooperate with the investigation and also abide by the conditions as may be imposed by this Court and prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and the police seized the contraband of dry ganja which is more than commercial quantity and the investigation is under progress and at this stage, the petitioner/accused No.2 is not entitled for grant of bail.

6. Having considered the rival submissions made by the learned counsel for the parties and on perusal of the material available on record, it reveals that petitioner was arrested on 03.02.2025 and since then, he was in judicial custody. Even according to the learned Additional Public Prosecutor 10 witnesses were already examined and the petitioner is not

having any criminal antecedents and he is not involved in the similar offence under the provisions of NDPS Act.

7. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.2, subject to the following conditions:

- (i) The petitioner/accused No.2 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (one local surety) for a like sum each to the satisfaction of the Sessions Judge, at Nampally, Hyderabad.
- (ii) On such release, the petitioner/accused No.2 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.2 shall abide by the conditions stipulated in Section 483 (3) of BNSS.
- (iv) After release, if the petitioner/accused No.2 involves in similar offence, the bail granted by this Court shall be cancelled.

8. Accordingly, the Criminal Petition is allowed.

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Miscellaneous applications, pending if any, shall stand closed.

Date: 02.05.2025
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J.SREENIVAS RAO, J

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