

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5965 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner, who is arrayed as accused No.1, seeking bail in Crime No.13 of 2025 of Prohibition and Excise Police Station, Uppal, Hyderabad, registered for the offences punishable under Sections 8 (c) read with 20 (b)(ii)(b) and 22(c) of Narcotic Drugs and Psychotropic Substance Act, 1985 and Section 34(a) of Telangana State Excise Act, 1968.

2. The case of prosecution, in brief, is that on 16.02.2025, while conducted raid, Police found petitioner along with other accused in possession of 18.07 grams of MDMA, 1.287 kgs of dry ganja and 53 grams of OG Kush (Hybrid strain of ganja) and seized the same. Basing on the same, a case was registered in Crime No.13 of 2025.

3. Heard Mr.Sangras Bhargav, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned counsel for the petitioner submitted that petitioner has not committed any offence and he was falsely implicated in the present crime.

The police without following the mandatory procedure prescribed under Sections 42, 50, 55 and 56 of NDPS Act conducted the search. The petitioner was arrested on 16.02.2025, since then he was in judicial custody. The entire investigation is completed, except filing of the charge sheet. He further submitted that accused Nos.2 and 3 were arrested for the very same offences and this Court granted bail in CrI.P.No.5569 of 2025 and 5592 of 2025 on 29.04.2025. He further submitted that the petitioner is an engineering graduate and he wants to prosecute law graduation and wants to appear lawcet entrance test which are going to be conducted by the State of Telangana as well as State of Andhra Pradesh on 6th June. He further submitted that the petitioner is not having any criminal antecedents and is ready and willing to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court, and hence, prayed for grant of bail.

5. *Per Contra*, the learned Additional Public Prosecutor submitted that the contraband namely 18.07 grams of MDMA, 1.287 kgs of dry ganja and 53 grams of OG Kush (Hybrid strain of ganja) and Chivas Regal 12 years blended scotch whisky containing 750 ml belongs to Haryana State, was seized from the petitioner and the investigation is under progress. Therefore, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that except the contraband MDMA, the other contraband was seized from the petitioner and other accused in intermediate quantity. The petitioner was arrested on 16.02.2025, since then he was in judicial custody. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents and he is not involved in similar offence under the provisions of the NDPS Act. He has also not disputed that accused Nos.2 and 3 were enlarged on bail before this Court on 29.04.2025 in CrI.P.Nos.5569 of 2025 and 5592 of 2025. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.1 subject to the following conditions:

- (i) The petitioner/accused No.1 is enlarged on bail on his 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 the satisfaction of the II Additional Junior Civil Judge-cum-VI Additional Metropolitan Magistrate, Medchal-Malkajgiri District at L.B.Nagar.

- (ii) The petitioner/accused No.1 shall appear before the concerned S.H.O. at 11.00 A.M. on every Monday, for a period of eight (8) weeks or till filing of the charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- (iii) After release, if the petitioner/accused No.1 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.
- (iv) The petitioner/accused No.1 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 01.05.2025

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