

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5959 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.4, seeking bail in Crime No.234 of 2024 of Prohibition and Excise Police Station, Dhoolpet, Hyderabad, registered for the offences punishable under Sections 8 (c) read with 20 (b)(ii)(c) of Narcotic Drugs and Psychotropic Substance Act, 1985.

2. The case of prosecution, in brief, is that on 20.08.2024 the Prohibition and Excise Inspector, on receipt of credible information that Ganja is being illicitly transported and later he, along with his staff, reached Chisthi Chaman Masjid, beside Seatharambagh Temple Premises, Mangalhat, Dhoolpet, Hyderabad and intercepted the Maruti Suzuki Swift vehicle bearing No.OR-02-BX-4343 and searched the vehicle and the excise officials have seized 20.800 Kgs of dry Ganja from the said vehicle and therefore, registered the aforesaid crime.

3. Heard Mr.M.Layeeq Khan, 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 basing on the confession statement given by the other accused. He further submitted that the alleged contraband was seized from accused No.1 only. The ingredients under the provisions of NDPS Act are not against the petitioner. The petitioner languishing in jail since 24.12.2024 and remanded on execution of PT warrant and since then he was in jail. He further submitted that accused No.1 was arrested and enlarged on bail *vide* order dated 30.09.2024 in CrI.P.No.11432 of 2024 and the petitioner is also entitled for grant of bail. He further submitted that 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, and hence, prayed for grant of bail.

5. *Per Contra*, the learned Additional Public Prosecutor submitted that the petitioner had committed grave offence under the provisions of NDPS Act. 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 the petitioner was remanded to the judicial custody on 24.12.2024 and since then he was in jail. Even according to the learned Additional Public Prosecutor, the petitioner is not involved in similar offence under the

provisions of NDPS Act and accused No.1 on the very same allegations enlarged on bail *vide* order dated 30.09.2024 in CrI.P.No.11432 of 2024. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.4 subject to the following conditions:

- (i) The petitioner/accused No.4 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 Special Judicial First Class Magistrate, Excise Court, Manoranjan Complex, Nampally, Hyderabad.
- (ii) The petitioner/accused No.4 shall appear before the concerned S.H.O. at 11.00 A.M. on every Sunday, 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.4 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.4 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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