

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 5972 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.2 in Crime No.26 of 2025 on the file of Prohibition and Excise Station, Dhoolpet, Hyderabad, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The brief facts of the prosecution is that on 28.03.2025, at 12.20 P.M., the Sub-Inspector of police, P&E, Dhoolpet, Hyderabad, raided the house in H.No.13-1-932, Bada Bangla, Dhoolpet, Hyderabad and apprehended the accused No.1 and seized 1.096 kg of Ganja from their possession and recorded their confession, where under the involvement of the accused No.2 is came into light. The police registered the case in Crime No.26 of 2025, Excise P.S., Dhoolpet, Hyderabad for the offences 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 and investigated into the matter.

3. Heard Mr. Gulab Singh, learned counsel for petitioner and Mr.Vivekananda Reddy, learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submitted that the petitioner has not committed alleged offence and he was falsely implicated in the above crime, basing on the confession statement given by other accused and the contraband was seized from other accused. He further submitted that material part of the investigation is completed. He further submitted that the seized contraband is intermediate quantity and the ingredients under provisions of NDPS Act are not attracted against the petitioner. He further submitted that the petitioner 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 Assistant Public Prosecutor submitted that the petitioner has committed grave offence and specific allegations are leveled against the petitioner/accused No.2 and investigation is under progress and if the petitioner/accused No.2 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 the contraband seized was 1.096 kgs of ganja, which is an intermediate quantity.

7. Taking into consideration the above facts and circumstances, this Court is of the considered view that the petitioner/accused No.2 is entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioner/accused No.2 shall surrender before the Station House Officer of Prohibition and Excise Station, Dhoolpet, Hyderabad, on or before 13.05.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.2 on bail on his executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) with two sureties, for the like sum each to his satisfaction.
2. The petitioner/accused No.2 shall appear before the concerned SHO 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.
3. After release, if the petitioner/accused No.2 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.

4. The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 482 (2) of the BNSS 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:07.05.2025

vsu