

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6084 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused in Crime No.17 of 2025 on the file of Excise Police Station, Nampally, Hyderabad, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 01.04.2024 at 12:40 PM the P & ESI and staff of DTF, Hyderabad have conducted route watch on the road, in front of the Central Court Hotel, beside metro pillar No. A1213, Lakdi ka pool, Nampally, Hyderabad and detected a case of illegal possession, transportation and sale of Hashish oil and arrested one person namely as Marudibudi Bhaskara Rao. After complying provisions of NDPS Act, 1985, on searching found (1.025) Kgs of Hashish oil in Red & Orange Colour Plastic bag and accordingly seized the

contraband and one IQOO 9 mobile. The accused person was arrested under intimation and handed over to the SHO, Nampally. On receipt of the case papers along with seized property and accused person at 04:30 P.M., the police authorities recorded confessional statement cum seizure panchnama from the apprehended individuals in the presence of the Panch witnesses *viz.*, 1)Md.Afroz 2)Md.Hazi. After that police arrested him based on the complaint and the police has registered the above said case and remanded the accused person before the learned XII Addl. Chief Judicial Magistrate, Hyderabad at Nampally for the judicial custody of 14 days i.e., on 01.04.2025 and the petitioner is lodged at Central Prison, Chanchalguda.

3. Heard Mr.Neeraj Prasad, learned counsel for the petitioner, and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the said crime. He further submitted that the Police without following the mandatory procedure prescribed under the provisions of the NDPS Act, seized the

contraband. He further submitted that the petitioner was arrested on 01.04.2025 and since then he is in judicial custody and he is not having criminal antecedents. It is submitted that petitioner is eking his livelihood by doing labour work and his entire family is dependent on him and 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 bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused has committed grave offence under the provisions of NDPS Act and 1.025 kgs of Hashish Oil was seized from possession of the petitioner, which is a commercial quantity and the investigation is under progress. Hence, at this stage, 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 petitioner was arrested on 01.04.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor,

material part of the investigation is completed and the petitioner is not having any other criminal antecedents and two witnesses have already been examined. Hence, taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused subject to the following conditions:

- (i) The petitioner/accused shall execute 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 Sessions Judge, Hyderabad.
- (ii) After release, the petitioner/accused shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.
- (iii) After release, if the petitioner/accused 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 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 01.05.2025
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