

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6097 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to, as 'BNSS') seeking bail to the petitioner/accused No.2 in Crime No.111 of 2024 of Excise Police Station, Saroornagar, Ranga Reddy District, registered for the offence under Section 8(c) r/w 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The brief facts of the case are that on 22-11-2024 at about 3.10 pm S.H.O. Saroornagar along with SFT-D team and Drug Inspector on information detected a case of illegal possession of sale and transportation of NDPS Medicine at Shyam Steel Palace, opp. Nalla Pochamma temple, Karmanghat road. There are two persons were found standing with 6 cardboard boxes with them and the boxes were opened and found Fentanyl Patches - 7 boxes and Jakelav 625, Jikeef-LB and Jikpod-CV and on further enquiry the persons revealed their names as A1]Kethepalle Muni Sekhar, and A2]Gandla Ramulu, (the petitioner herein) and they confessed

that A.1 has purchased NDPS and other spurious drugs from Mahesh Kumar Saini, Hassanpur, Haridwar and that A.2 confessed that he is purchasing from A.1 and upon further enquiry A.1 and A.2 have confessed they did not have any valid permission/licenses to sell and that A.2 requested A.1 to purchase the Drugs. On 12-11-2024, A.1 purchased the Drugs from Mahesh Kumar through Courier and they further confessed that they supplied to different medical shops. The officers demanded for license of NDPS but they failed to produce and the officers seized the drug in the presence of panch witnesses under a panchanama. The Excise Police on the basis of the panchanama registered as case in COR.No.111 of 2024 under Sec.8(c) r/w 22 (c) of NDPS Act.

3. Heard Mr.Sunil Gawasane, 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 the petitioner was falsely implicated in the present crime and he did not commit any offence. 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 22.11.2024 and since then he was in judicial custody for more than 161 days and the entire investigation is completed except filing of charge sheet. It is further submitted that petitioner is aged about 60 years and is suffering from age old ailments. He further submitted that the petitioner is ready and willing to abide by the conditions, which are going to be imposed by this Court and he will cooperate with the investigation. Hence, the petitioner may be enlarged on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave and the contraband seized is in commercial quantity. At this stage, if the petitioner is granted bail, he will interfere with the investigation and influence the witness. Hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 22.11.2024 and since then he is in judicial custody. Even according to the

learned Additional Public Prosecutor, entire investigation is completed and the petitioner is not having any other criminal antecedents. Hence, considering the incarceration period, this Court is inclined to grant bail to the petitioner/accused subject to the following conditions:

(i) The petitioner/accused No.2 shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate at Ranga Reddy, L.B.Nagar.

(ii) After release, the petitioner/accused No.2 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 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.

(iv) The petitioner/accused No.2 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.

J. SREENIVAS RAO, J

Date:01.05.2025
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