

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6150 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS) seeking regular bail to the petitioner/accused No.1 in Crime No.159 of 2024 on the file of SHO Wankidi Police Station, Komurambheem Asifabad District, registered for the offence punishable under Section 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 31.10.2024, during the Maharashtra Assembly elections, while the Police were checking the vehicle at the interstate checkpoint in Wankidi, at around 4:00 PM, a container lorry bearing No.MP 06 HC 1339 was approaching from Asifabad towards Maharashtra. Upon stopping and inspecting the lorry, they found four compartments. Three compartments were empty, and one compartment contained white plastic bags and brown packets. Upon questioning the driver about the contents of these packets, he revealed that they contained Ganja (marijuana). The Police intercepted the petitioner and seized the ganja. Basing

on the same, the aforesaid Crime was registered against the petitioner/accused No.1 for the aforesaid offences.

3. Heard Sri P. Ramulu, learned counsel for the petitioner and Mr.Arun Kumar Dodla, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioner submitted that the petitioner/accused No.1 has not committed the alleged offence and he was falsely implicated in the said crime. He further submitted that the Police, without following the procedure prescribed under NDPS Act have conducted the search and seized the contraband. He further submitted that the petitioner was arrested on 31.10.2024 and since more than 188 days, he is in judicial custody. The entire investigation is completed except filing of the charge sheet. The petitioner is not having any criminal antecedents, he is eking out his livelihood by working as a Lorry Driver and his entire family is depending upon his income. The petitioner shall abide by the conditions, which are going to be imposed by this Court, and he is ready to cooperate with the investigation. Hence, the petitioner may be enlarged on bail.

5. Per contra, learned Additional Public Prosecutor submitted that petitioner/accused No.1 has committed grave offence under Sections 8(c) r/w 20(b)(ii)(C) and 29 of NDPS Act. He submitted that the contraband i.e., ganja, that was seized is 281.7 kgs., which is commercial quantity. The investigation is not yet completed and the petitioner is involved in similar offence. 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 the petitioner was arrested on 31.10.2024 i.e., more than 188 days have been elapsed. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents and charge sheet is not filed till date.

7. Taking into consideration the above said 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 shall be released on bail on executing 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 Additional Judicial First Class Magistrate at Asifabad.

- (ii) After release, 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 other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS and shall cooperate with the investigation.

8. Accordingly, the Criminal Petition is allowed.

JUSTICE J.SREENIVAS RAO, J

Date: 07.05.2025

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