

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6482 of 2025

ORDER:

This Criminal Petition is filed under Section 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioners/accused Nos.2 and 3 in Crime Occurrence Report No.30 of 2024 on the file of the Prohibition and Excise Police Station, Patancheru, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(C) and 27(A) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 01.03.2024, the Station House Officer, Patancheru on credible information conducted route watch at Muthangi, N.H.65 Road and apprehended the petitioners and accused No.1 and seized 240 kgs of dry ganja. Basing on the same, a crime was registered in Crime Occurrence Report No.30 of 2024.

3. Heard Sri Pale SriHarinath, learned counsel for petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for petitioners submitted that petitioners have not committed alleged offence and they were falsely implicated in the above crime as accused Nos.2 and 3 solely basing on the confession statement given by the accused No.1. He further submitted that the alleged crime was registered on 01.03.2024 whereas the police arrested the petitioners on 09.02.2025. He further submitted that the alleged contraband was seized from the accused No.1 only and since more than 128 days the petitioners were in judicial custody. He further submitted that the entire investigation is completed and the custodial interrogation of the petitioners is not required and the petitioners are not having any other criminal antecedents and the accused No.3 is the owner of the vehicle and accused No.2 is the driver and they were not aware of the possession of the alleged ganja with accused No.1 and the police have implicated them only on the ground that the accused No.1 is travelling in their vehicle at the time of seizure. He further submitted that the main accused No.1 is already enlarged on bail and the petitioners are also entitled for the same and they are 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 petitioners along with accused No.1 have committed grave offence under the provisions of the NDPS Act and the police seized contraband namely seized 240 kgs of dry ganja from the possession of the accused No.1 which is commercial quantity and investigation is under progress and if the petitioners were enlarged on bail at this stage, they may interfere with the investigation and may influence 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 petitioners are accused Nos.2 and 3 in Crime Occurrence Report No.30 of 2024 and very same allegations were leveled against accused No.1 and he filed Crl.M.P.No.982 of 2024 for grant of regular bail and the learned I Additional District and Sessions Judge, Sangareddy granted bail in favour of accused No.1 on 31.08.2024. The petitioners were arrested on 09.02.2025 and since then they were in judicial custody. Even according to the learned Additional Public Prosecutor, the petitioners are not having any criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners/accused Nos.2 and 3 subject to the following conditions:

(i) The petitioners/accused Nos.2 and 3 shall be enlarged on bail on executing a personal bond for a sum of Rs.30,000/-(Rupees Thirty Thousand only) each with two sureties for a like sum each to the satisfaction of I Additional District and Sessions Judge, Sangareddy.

(ii) The petitioners/accused Nos.2 and 3 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of six (6) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.

(iii) After release, if the petitioners/accused Nos.2 and 3 indulge in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in their favour.

(iv) The petitioners/accused Nos.2 and 3 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 16.06.2025
PSW