

THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA

Criminal Petition No.6564 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.6 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking regular bail in connection with Crime No.375 of 2024 of Bibinagar Police Station, Yadadri-Bhongir District, Rachakonda Commissionerate, registered for the offences punishable under Section 8(c) read with Sections 21(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 25.11.2024 at about 13:50 hours, on receipt of credible information regarding illegal drug supply at railway under bridge near Guduru Toll Plaza, the Sub-Inspector of Police, Bibinagar Police Station, along with his staff went to the spot and intercepted two white Hyundai Verna cars and

apprehended the petitioner and other accused and seized 100 kgs of Mephedrone from them. Based on their confession, the aforesaid crime was registered against the accused.

3. Heard Mr. D.Suryanarayana, learned counsel for the petitioner/accused No.6 and Mr. V. Jithender Rao, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and he has been falsely implicated in the present crime. The contraband seized by the police pertains to Ephedrine, but in the first information report, the name was wrongly mentioned as Mephedrone and when the seized contraband was sent for analysis, the Telangana Forensic Science Laboratory issued a report on 20.02.2025 stating that the same is "Ephedrine", and the same is not included in the schedule of the NDPS

Act. He further submitted that the petitioner was arrested on 20.01.2025 and since then he is in judicial custody. Learned counsel further submitted that similar allegations as levelled against the petitioner herein were also levelled against accused Nos.11 and 14 and accused Nos.11 and 14 were already arrested and released on bail *vide* orders dated 02.04.2025 and 04.04.2025 in CrI.P.No.4258 of 2025 and CrI.P.No.4489 of 2025 respectively and that if petitioner/accused No.6 is granted bail, he is ready and willing to cooperate with the investigation and also abide by the conditions as may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the investigation is under progress and at this stage, the petitioner is not entitled for grant of bail. However, he has not disputed that the contraband seized from the petitioner is 'Ephedrine' and not 'Mephedrone' and the same is not included in the schedule of the NDPS Act.

6. Having considered the rival submissions made by the respective parties and on perusal of the material available on record, it reveals that the contraband seized from the petitioner/accused No.6 is only 'Ephedrine', which is not included in the schedule of the NDPS Act and the petitioner was arrested on 20.01.2025 and since then he has been in judicial custody and accused Nos.11 and 14 in the aforesaid crime were already released on bail.

7. In view of the same, this Court is inclined to grant bail to the petitioner/accused No.6 subject to the following conditions:

- (i) The petitioner/accused No.6 shall be released on bail on executing a personal bond for a sum of Rs.20,000/-(Rupees Twenty thousand only) with two sureties for a like sum each to the satisfaction of the 1st Additional District and Sessions Judge, Bhongir District.
- (ii) After release, the petitioner/accused

No.6 shall appear before the concerned S.H.O. in between 11.00 a.m and 2.00 p.m. on first and third Sunday of every month 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.6 indulges in any offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court.

(iv) The petitioner/accused No.6 shall abide by the other conditions stipulated in Section 480(3) of BNSS and shall co-operate with the investigation.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE NARSING RAO NANDIKONDA

Date: 21.05.2025

Myk/spk

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