

THE HON'BLE SRI JUSTICE J.SREENIVASRAO

CRIMINAL PETITION No.6637 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.3, seeking anticipatory bail in COR No.31 of 2025 of Prohibition and Excise Station, Dhoolpet, Hyderabad registered for the offence punishable under Sections 8(c) read with Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as, 'NDPS Act').

2. The case of prosecution in brief is that on 14.04.2025 at 3.20 P.M., near Peela Mandap Kashi Shiva Mandir, road leads from Jiyaguda Kamela to Puranapool, Hyderabad, accused No.1 was found in possession of 1.314 kgs. of dry ganja, which was supplied by accused Nos.2 and 3. Hence, the petitioner along with other accused have committed an offence punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act.

3. Heard Mr. Umesh Singh, learned counsel for the

petitioner and Mr.Syed Yasar Moon, learned Additional Public Prosecutor appearing for respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and basing on the confession statement given by the other accused, he was falsely implicated in this case. Even according to the allegations made in the complaint, police seized 1.314 kgs. of dry ganja, which is a below commercial quantity. The petitioner is not having any criminal antecedents and he is not involved in any similar offence. The petitioner is ready and willing to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court. Therefore, he prayed to release the petitioner on bail.

5. *Per contra*, learned Additional Public Prosecutor appearing on behalf of respondent opposed the bail petition and submitted that the petitioner has committed grave offence and the investigation is under progress. Therefore, if the petitioner is granted bail, he will influence the witnesses and interfere with the investigation. Hence, he prays 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 the police seized the 1.314 kgs. of dry ganja, which is a small quantity. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents and he is not involved in any similar offence. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.3 subject to the following conditions:

- i) The petitioner/accused No.3 is directed to surrender before the S.H.O., Prohibition and Excise Police Station, Dhoolpet, Hyderabad on or before 18.06.2025 and on such surrender, the Station House Officer is directed to enlarge the petitioner on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only), with two sureties for a like sum each to his satisfaction.
- ii) The petitioner/accused No.3 shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of eight weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
- iii) The petitioner/accused No.3 shall abide by the conditions stipulated under Section 483(3) of BNSS.
- iv) After release, if the petitioner/accused No.3 has committed similar offence, the respondent-State is

entitled to file an application seeking cancellation of the bail granted by this Court in his favour.

7. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 11.06.2025
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