

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition Nos.6643 & 6644 of 2025

Common Order:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioners/accused Nos.1 & 2 in Crime No.68 of 2025 on the file of Sircilla Police Station, Rajanna Sircilla District, registered for the offences punishable under Sections 8(b)(c) r/w 20(a)(i), 20(b)(ii)(A) and 27(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 10.02.2025, on receipt of credible information that the petitioners/accused Nos.1 & 2 and four others, who are migrated construction labourers are cultivating Ganja plants at their temporary residing place for self consumption and also for selling the same for money, the Sub-Inspector of Police, Sircilla Police Station, along with his staff apprehended the petitioners and

other accused and seized 12 ganja plants along with roots worth Rs.1,20,000/- and 50 grams of dry ganja worth Rs.1250/-, two smoking pipes and six mobile phones from them and remaining 40 ganja plants worth Rs.4 lakhs were destroyed by the Gazetted Officer. Basing on the same, the aforesaid crime was registered against the petitioners and other accused.

3. Heard Mr. G.Ravichandran, learned counsel for the petitioners and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioners submitted that petitioners have not committed any offence and they were falsely implicated in the present crime. He further submits that the police have not seized any ganja from the possession of the petitioners and the ingredients of NDPS Act are not attracted against them and the only allegation leveled against them is that they are cultivating ganja. He further submits that the petitioners are working as a daily wage labourers and eking out

their livelihood and they were arrested on 11.02.2025 and since then they are in jail and they are not having any criminal antecedents. He further submits that accused Nos.3 to 6 in the aforesaid crime were already enlarged on bail and the petitioners be granted bail as they are ready to cooperate with the investigation and also ready to abide the conditions, which are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submitted that petitioners/accused Nos.1 & 2 have committed grave offence under the provisions of the NDPS Act. Basing on the written instructions dated 21.05.2025, furnished by the Sub-Inspector of Police, Sircilla Police Station, he submits that the investigating officer examined fifteen witnesses and after conducting investigation, filed chargesheet on 07.05.2025 and they are not having any criminal antecedents.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that petitioners were arrested on 11.02.2025

and since then, they are in jail and no criminal antecedents are reported against them.

7. Taking into consideration the facts and circumstances of the case and submissions made by the respective parties, this Court is inclined to grant bail to the petitioners/accused Nos.1 & 2, subject to the following conditions:

- (i) Each of the petitioners/accused Nos.1 & 2 shall execute a personal bond for a sum of Rs.25,000/-(Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of Principal Judicial First Class Magistrate, Sircilla.
- (ii) The petitioners/accused Nos.1 & 2 shall appear before the concerned court on each and every date of adjournment after receiving the summons.
- iii) The petitioners/accused Nos.1 & 2 shall abide by the conditions stipulated in Section 483 (3) of BNSS.
- (iv) After release, if the petitioners/accused Nos.1 & 2 involve in similar offence, respondent is at liberty to file an application seeking cancellation of bail.

8. Accordingly, the Criminal Petitions are allowed.

Miscellaneous applications, pending if any, shall stand closed.

Date: 11.06.2025
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J.SREENIVAS RAO, J