

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 6663 of 2025

ORDER:

This Criminal Petition is filed under Section 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.4, seeking bail in Crime No.116 of 2024 of Railway Police Station, Hyderabad for the offence punishable under Sections 8(c) read with Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard Sri Chandrashekhar Yadav.S, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 15.06.2024 at Hyderabad Railway Station, accused Nos.2 and 3 were found in possession of 26.684 kgs of dry ganja to hand over the same to the petitioner/accused No.4 at Parli.

4. Learned counsel for the petitioner submits that the petitioner has not committed the alleged offence and he was falsely implicated in the above said crime basing upon the confession statement given by accused Nos.2 and 3 only. The alleged

contraband i.e. 26.684 kgs of dry ganja was seized from the other accused. He further submitted that accused Nos.2 and 3 were arrested and they were already enlarged on bail. The petitioner was arrested on 07.04.2024 and since then he is in judicial custody. He also submits that the petitioner is not having any criminal antecedents and material part of the investigation is completed except filing of charge sheet. The petitioner is ready and willing to cooperate with the investigation and he will abide by the conditions, which may be imposed by this Court.

5. Learned Additional Public Prosecutor submitted that the petitioner has committed a grave offence, which is punishable under the provisions of the NDPS Act and that the contraband seized from the petitioner and other accused is more than commercial quantity and the investigation is under progress and therefore, if the petitioner is enlarged on bail, he will interfere with the investigation and influence the witnesses. Hence, 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 07.04.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, the petitioner is not having

criminal antecedents. The specific claim of the petitioner is that the very same allegations are levelled against accused Nos.2 and 3 and they were already released on bail and the same was not disputed by the learned Additional Public Prosecutor.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.4 subject to the following conditions;

- (i) The petitioner/accused No.4 shall be released on bail on his executing a personal bond for a sum of Rs.30,000/-(Rupees thirty thousand only) with two sureties for a like sum each to the satisfaction of the II Metropolitan Magistrate for Railways at Secunderabad.
- (ii) After release, petitioner/accused No.4 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) After release, if the petitioner/accused No.4 indulges in similar type of offence in future, the respondent-State is entitled to file an application seeking cancellation of bail granted in his favour.

- (iv) The petitioner/accused No.4 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

8. 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: 16.06.2025
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