

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6701 of 2025

ORDER:

This Criminal Petition is filed by the petitioner/accused No.3 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) seeking regular bail in Crime No.494 of 2024 on the file of P.S.Uppal, Malkajgiri, Rachakonda District registered for the offences punishable under Sections 8(c), 22(c), 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution in brief is that on 22.04.2024, on receipt of credible information, Police apprehended petitioner along with others and seized 16 grams of MDMA. Basing on the same, Crime No.494 of 2024 was registered.

3. Heard Mr.P. Vikas Raj, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offence and he was falsely

implicated in the above crime, basing upon the confession statement given by the other accused. He further submitted that the Police without following the mandatory procedure prescribed under the provisions of the NDPS Act, seized the contraband. He further submitted that the petitioner was arrested on 02.04.2025 and since then he is in judicial custody and entire investigation is completed and charge sheet is also filed and the same was numbered as S.C.No.214 of 2024. He further submitted that accused Nos. 1, 2 and 4 in the said crime were already released on bail and the petitioner is not having any other criminal antecedents. He further submitted that the petitioner is ready to cooperate for disposal of S.C.No.214 of 2024 and he will appear before the concerned Court as and when required. Hence, prayed for grant of bail.

5. Per contra, learned Additional Public Prosecutor submitted that petitioners have committed grave offences under the provisions of NDPS Act and 16 grams of MDMA was seized, which is a commercial quantity. 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 02.04.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, investigating officer after conducting investigation filed charge sheet and the same was numbered as S.C.No.214 of 2024 and petitioner is not having any other criminal antecedents.

7. Taking into consideration the above said 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 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 learned VI Additional Metropolitan Magistrate, Medchal-Malkajgiri District, Uppal at L.B.Nagar.

(ii) After release, petitioner/accused No.3 shall appear in S.C.No.214 of 2024, on each and every adjournment.

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

Section 480(3) of BNSS and shall cooperate with the investigation.

(iv) After release, if the petitioner/accused No.3 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.

8. Accordingly, the criminal petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 09.06.2025

vsl