

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION Nos.6702 and 6705 of 2025

COMMON ORDER:

Since these criminal petitions are arising out of Crime No.117 of 2025, these criminal petitions are heard together and disposed of by this common order.

2. These Criminal Petitions are filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioners/accused Nos.4 and 5 in Crime No.117 of 2025 on the file of the P.S. Noothankal, Suryapet, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 22(c) and 27(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

3. The case of the prosecution in brief is that on 28.04.2025 at around 18:00 hours near the main gate of Mother Dairy Park, accused No.3, a main drug peddler, was found in possession of 144 grams of OG Weed (ganja), 44 LSD blots weighing 0.86 grams, and a mobile phone. Petitioners/accused Nos.4 and 5, alleged sub-peddlers, were found with mobile phones and a two-wheeler. Basing on the same, a case was registered in Crime No.117 of 2025.

4. Heard Mr.Naraparaju Avaneesh, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioners submitted that petitioners have not committed alleged offences and they were falsely implicated in the said crime. He further submitted that the contraband was seized from accused No.3 only, and the police failed to follow the mandatory procedure prescribed under the NDPS Act during the seizure. He further submitted that the petitioners were arrested on 29.04.2025 and since then they are in judicial custody and they are not having criminal antecedents. He further submitted that entire investigation is completed, except filing of charge sheet and the petitioners are ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

6. *Per contra*, learned Additional Public Prosecutor submitted that petitioners have committed grave offences under the provisions of NDPS Act and 144 grams of OG Weed (ganja) and 44 LSD Blots weighting about 0.86 grams, which was seized is a commercial

quantity and the investigation is under progress. Hence, at this stage, the petitioners are not entitled for grant of bail.

7. 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 29.04.2025 and since then they are in judicial custody. Even according to the learned Additional Public Prosecutor, petitioners are not having any other criminal antecedents and 15 witnesses were already examined.

8. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioners/accused Nos.4 and 5, subject to the following conditions:

(i) The petitioners/accused Nos.4 and 5 shall execute a personal bond for a sum of Rs.50,000/- (Rupees fifty Thousand only) each with two sureties for a like sum each to the satisfaction of IV Additional Chief Judicial Magistrate, Hyderabad at Nampally.

(ii) After release, the petitioners/accused Nos.4 and 5 shall appear before the concerned S.H.O. at 11.00 a.m. on every Saturday 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) The petitioners/accused Nos.4 and 5 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

(iv) After release, if the petitioners/accused Nos.4 and 5 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.

9. Accordingly, the Criminal Petitions are allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 09.06.2025

vsl