

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION Nos.6641 and 6757 of 2025

COMMON ORDER:

Since these criminal petitions are arising out of Crime No.32 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.3 and 1 in Crime No.32 of 2025 on the file of Police Station Prohibition and Excise Dhoolpet, Hyderabad, registered for the offences punishable under Section 8(c) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

3. The case of the prosecution is that on 16.04.2025 at around 12:15 PM, based on reliable information regarding ganja transportation on a maroon Honda Scooty (Reg. No. TS13EY0344), the Prohibition and Excise Inspector, along with staff and panchas, conducted a route watch near the Rani Avanti Bai Statue, Amlapur, Asif Nagar, Hyderabad. One person arrived on the said Scooty

carrying a bag. Upon being stopped and questioned, he identified himself as Thakur Akash Singh – accused No.1. With his consent, the vehicle was searched, and a plastic bag containing 8 brown tape-wrapped bundles of dry ganja was found. Meanwhile, two individuals on another Scooty fled the scene, abandoning their vehicle, which contained 2 more similar bundles. A total of 10 bundles weighing approximately 25.230 kgs of dry ganja were seized. During interrogation, accused No.1 revealed the involvement of several other accused. He also confessed to selling ganja sachets with his mother at Rs. 500 each. Accused No.1 was arrested, and two Scooties along with two mobile phones, were seized. A case was registered against 8 accused persons. Basing on the same a case was registered in Crime No.32 of 2025.

4. Heard Mr.Umesh Singh, 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 police seized the

contraband without following the mandatory procedure prescribed under the NDPS Act. He also submitted that petitioner/accused No. 1 was arrested on 16.04.2025, whereas petitioner/accused No. 3 was arrested on 30.04.2025, and since then, they have been in judicial custody. He further submitted that the petitioners have no criminal antecedents and have never been involved in a similar offence. 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 25.230 kgs of Ganja, 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 specific allegations are levelled against the petitioners to attract the ingredients under the provisions of NDPS

Act. Petitioner/accused No.1 himself in his statement stated that he is doing Ganja business for many days. Even according to the learned Additional Public Prosecutor, the investigation is under progress and the charge sheet has not been filed.

8. Taking into consideration the above facts, as the petitioner/accused No.1 in CrI.P.No.6757 of 2025 has stated himself in his statement that he is doing ganja business, this Court is not inclined to grant bail to petitioner/accused No.1, at this stage, especially when investigation is under progress. Hence, CrI.P.No.6757 of 2025 is dismissed. Insofar as petitioner/accused No.3 in CrI.P.No.6641 of 2025 is concerned, since there are no overt acts against the petitioner/accused No.3, according to the learned Additional Public Prosecutor, this Court is inclined to grant bail to petitioner/accused No.3, subject to the following conditions:

- (i) The petitioner/accused No.3 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 I Additional Chief Judicial Magistrate, Hydereabad.

(ii) After release, the petitioner/accused No.3 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) 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.

(iv) The petitioner/accused No.3 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

9. Accordingly, the Criminal Petition No.6641 of 2025 is allowed and Criminal Petition No.6757 of 2025 is dismissed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 18.06.2025

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