

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.6802 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.1 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in connection with C.O.R.No.38 of 2025 on the file of the Station House Officer, Malkajgiri Prohibition and Excise Police Station, Medchal-Malkajgiri District, registered for the offences punishable under Section 8(c) r/w Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. Heard Mr. Bathini Upendar, learned counsel for the petitioners/accused No.1 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 08.05.2025 at about 03:30 p.m., on receipt of credible information regarding

illegal possession and sale of dry ganja, the Prohibition and Excise Sub-Inspector, Malkajgiri Police Station, along with his staff proceeded to a place near Malkajgiri Railway Station, apprehended the petitioner/accused No.1 and accused No.2 and seized 1.650 kgs of dry ganja from them. Basing on the same, the aforesaid Crime was registered against the petitioner/accused No.1 and accused No.2 for the aforesaid offences.

4. Learned counsel for the petitioner/accused No.1 submits that the petitioner has not committed any offence and he has been falsely implicated in the aforesaid crime and the bag containing the alleged contraband was given by accused No.2 with a request to handover the same to his family members as he has some work and the petitioner was unaware of the contraband. He further submits that the seized contraband of 1.650 kgs of dry ganja is an intermediate quantity and the petitioner is the sole breadwinner of his family and he was arrested on 08.05.2025 and since then, he is in judicial custody

and the entire investigation is completed except filing of chargesheet and prays to release the petitioner on bail as he is ready and willing to cooperate with the investigation and abide by the conditions that may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner/accused No.1 committed grave offence under the NDPS Act and the police seized 1.650 of dry ganja and investigation is under progress and if the petitioner is enlarged on bail at this stage, he will interfere with the investigation and influence the witnesses. Hence, he prays to dismiss this criminal petition.

6. Having heard learned counsel for the parties and on perusal of the record, it reveals that the petitioner was arrested on 08.05.2025 and since then he is in judicial custody and he is the sole breadwinner of his family. Even otherwise, the contraband seized is 1.650 of dry ganja, which is an intermediate quantity.

7. In view of the same, this Court is inclined to grant bail to the petitioner/accused No.1 subject to the following conditions:

(i) The petitioner/accused No.1 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the I Additional Metropolitan Magistrate, Medchal-Malkajgiri District at Kushaiguda.

(ii) On such release, the petitioner/accused No.1 shall appear before the concerned Station House Officer at 11.00 A.M., on every Monday, for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.

(iii) The petitioner/accused No.1 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

(iv) After release, if the petitioner/accused No.1 indulges in similar offences, the respondent is at liberty to file an application seeking cancellation of bail.

8. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 16.06.2025
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J.SREENIVAS RAO, J