

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.6773 of 2025

Order:

This Criminal Petition is filed by the petitioners/accused Nos.1 and 2 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in connection with Crime No.51 of 2025 on the file of the Station House Officer, Qutbullapur Prohibition & Excise Station, Medchal-Malkajgiri District, registered for the offences punishable under Sections 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 Nos.1 and 2 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 10.05.2025 at about 10:00 hours, on receipt of credible information regarding

illegal possession and sale of Hashish oil, the Prohibition and Excise Sub-Inspector, STF, A-Team, along with his staff proceeded to the place behind crematorium, Ayodhya Nagar, Qutbullapur, and conducted vehicle check and apprehended the petitioners/accused Nos.1 and 2 and seized 300 grams of Hashish oil from them. Basing on the same, the aforesaid Crime was registered against the petitioners for the aforesaid offences.

4. Learned counsel for the petitioners/accused Nos.1 and 2 submits that the petitioners have not committed any offence and they were falsely implicated in the aforesaid crime. Even according to the allegations leveled in the complaint, the alleged contraband is 300 grams of Hashish oil, which is intermediate quantity. He further submits that the police have not followed the mandatory procedure prescribed under the NDPS act and petitioners were arrested on 10.05.2025 and since then, they are in judicial custody and they have no criminal antecedents. He further submits that the petitioner

No.1 is a private employee and eking out his livelihood and petitioner No.2 is a student. He prays that the petitioners be granted bail as they are 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 petitioners/accused Nos.1 and 2 committed grave offence under the NDPS Act and the investigation is not yet completed and if the petitioners are enlarged on bail at this stage, they 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 police have seized 300 grams of Hashish oil from the petitioners and the same is an intermediate quantity and the petitioners were arrested on 10.05.2025 and since then they are in judicial custody. Even according to the learned Additional Public Prosecutor,

petitioners are not having any criminal antecedents and the investigating officer had already examined four witnesses.

7. In view of the same, this Court is inclined to grant bail to the petitioners/accused Nos.1 and 2 subject to the following conditions:

(i) The petitioners/accused Nos.1 and 2 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to the satisfaction of the VII Additional Metropolitan Magistrate, Cyberabad, Medchal.

(ii) On such release, the petitioners/accused Nos.1 and 2 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 petitioners/accused Nos.1 and 2 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

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

Date: 16.06.2025
LUR

J.SREENIVAS RAO, J