

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6853 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.4 in Crime No.438 of 2024 on the file of Kachiguda Police Station, Hyderabad, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 23.11.2024, at 10:55 AM, the petitioner along with other accused were found in possession of 119.6 kgs of ganja at the Parcel Office, Kachiguda, intended to deliver the same to needy customers. Basing on the same a case was registered in Crime No.438 of 2024.

3. Heard Mr.P.Prabhakar Reddy, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner has not committed any offence and basing on the confession statement given by other accused, petitioner was falsely implicated in the above said crime. He further submitted that the contraband was seized from the other accused, hence, the provisions of NDPS Act are not attracted against the petitioner. He further submitted that petitioner was arrested on 23.11.2024 and since more than 205 days he is in judicial custody. He further submitted that similar allegations are levelled against the other accused in the said crime and they were granted bail. He further submitted that the petitioner is 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.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.4 along with other accused have committed grave offence under the provisions of NDPS Act and 119.6 kgs. of ganja was seized from possession of the petitioner and other accused, which is a commercial quantity. He further submitted that the investigation officer, after conducting investigation filed

charge sheet and the same was numbered as S.C.No.106 of 2025 on the file of the IV Additional Chief Metropolitan Magistrate, Nampally. He further submitted that if the petitioner is released on bail at this stage, he may tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

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 23.11.2024 and since more than 205 days he is in judicial custody. The record further discloses that the petitioner along with accused Nos.5 and 6 approached this Court and filed CrI.P.No.5617 of 2025 and this Court allowed the said petition, insofar as accused Nos. 5 and 6 are concerned, and dismissed against the petitioner on the ground that the investigation is under progress. Even according to the learned counsel for the petitioner, accused No.1 was also enlarged on bail, against whom similar allegations were levelled as those made against the petitioner/accused No.4 in the said crime and the same was not disputed by the learned Additional Public Prosecutor. The record further discloses that the investigation officer, after conducting

investigation filed charge sheet and the same was numbered as S.C.No.106 of 2025 on the file of the IV Additional Chief Metropolitan Magistrate, Nampally.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.4, subject to the following conditions:

(i) The petitioner/accused No.4 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 IV Additional Chief Judicial Magistrate, Nampally, Hyderabad.

(ii) After release, petitioner/accused No.4 shall appear before the IV Additional Chief Metropolitan Magistrate, Nampally in S.C.No.106 of 2025, on each and every adjournment.

(iii) After release, if the petitioner/accused No.4 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.

(v) The petitioner/accused No.4 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date:17.06.2025
vsl