

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.6854 of 2025

Order:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') seeking anticipatory bail to the petitioner/accused No.5 in Crime No.71 of 2025 of Karkhana Police Station, Hyderabad, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of prosecution in brief is that on 19.05.2025 at about 18:30 hours, on receipt of credible information regarding illegal possession and sale of Hash oil, the Sub-Inspector of Police, Kharkhana Police Station, along with his staff went to the place near KJR Gardens, Karkhana, Secunderabad and apprehended the other accused in the aforesaid crime and seized 35 grams of Hash oil from them. Thereafter, the present

crime is registered against the petitioner and other accused for the aforesaid offences.

3. Heard Mr. Veera Babu Gandu, learned counsel for the petitioner/accused No.5 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner/accused No.5 submitted that the petitioner has not committed any offence and the alleged contraband was seized from the other accused and on the basis of confession made by other accused only, the petitioner was falsely implicated in this case although the ingredients of the provisions of NDPS Act are not attracted against him. He further submits that even according to the allegations made in the complaint, the seized contraband is below commercial quantity and the police without following the mandatory procedure contemplated under Section 35(3) of the BNS are taking steps to arrest the petitioner and the same is contrary to the principles laid down by the High Court of Andhra Pradesh at Amaravathy in CrI.P.No.5349 of 2021

dated 01.10.2021 **[K.Ranjith v. State of Andhra Pradesh through Station House Officer, Gangavaram Police Station, Chittoor District]**.

5. On the other hand, learned Additional Public Prosecutor submitted that petitioner/accused No.5 has committed grave offence under Sections 8(c) r/w 20(b)(ii)(A) of NDPS Act. He further submitted that the investigation is under progress and at this stage, if the petitioner is granted anticipatory bail, there is every chance of his influencing the witnesses and interfering with the investigation. Hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that the police seized contraband of 35 grams of Hash oil, which is below commercial quantity. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner/accused No.5, subject to the following conditions:

1. The petitioner/accused No.5 shall surrender before the Station House Officer, Karkhana Police Station, on or before 22.06.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.5 on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, for a like sum each.
2. On such release, petitioner/accused No.5 shall appear before the Station House Officer, Karkhana Police Station, on every Monday at 11:00 a.m. 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.
3. After release, the petitioner/accused No.5 shall not influence the witnesses or interfere with the investigation.
4. Petitioner/accused No.5 shall abide by the conditions stipulated under Section 482(2) of

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BNSS and shall cooperate with the Investigating Officer in the investigation.

8. Accordingly, the Criminal Petition is allowed.

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

Date: 13.06.2025
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J.SREENIVAS RAO, J