

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6855 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioners/accused Nos.2 and 3 in COR No.140 of 2025 on the file of Prohibition and Excise Station, Nizambad, registered for the offence punishable under Section 8(c) r/w 20(b)(ii)(C) r/w. 27 (A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that the petitioners herein are alleged to have been found in possession of 30 kgs of Ganja, which was seized from them. As the petitioners were in possession of the same, they have been charged with offences under Section 8(c) r/w 20(b)(ii)(C) r/w. 27 (A) of the NDPS Act

3. Heard Mr.P.Pradeep Kumar, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that petitioners have not committed alleged offence and they were falsely implicated in the said crime. He further submitted that the Police have not conducted panchanama and seizure under the provisions of the NDPS Act, seized the contraband. He further submitted that the petitioners were arrested on 20.04.2025 and since then they were in judicial custody. He further submitted that the very same allegations are levelled against accused Nos.1, 4 and 5 and they were arrested and enlarged on bail. He further submitted that petitioners are not having any criminal antecedents and entire investigation is completed, except filing of charge sheet and the petitioners are willing and 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 petitioners/accused Nos.2 and 3 have committed grave offence under the provisions of NDPS Act and 30 kgs. of ganja was seized from possession of the petitioners, which is a commercial quantity and the investigation is under progress. Hence, at this stage, the petitioners are not entitled for grant of bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that Police seized the 30 kgs of ganja. The record further reveals that, accused Nos.1, 4 and 5 were arrested and they were enlarged on bail and the same was not disputed by the learned Additional Public Prosecutor. Even according to the learned Additional Public Prosecutor, petitioners are not having any criminal antecedents and not involved in similar offences. Further, the record reveals that 15 witnesses were already examined.

7. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioners/accused Nos.2 and 3, subject to the following conditions:

(i) The petitioners/accused Nos.2 and 3 shall execute a personal bond for a sum of Rs.30,000/- (Rupees thirty thousand only) with two sureties for a like sum each to the satisfaction of the I Additional Sessions Judge at Nizamabad.

(ii) After release, the petitioners/accused Nos.2 and 3 shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday 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 petitioners/accused Nos.2 and 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 petitioners/accused Nos.2 and 3 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 483(3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 20.06.2025

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