

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6859 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner, who is arrayed as accused, seeking bail in Crime No.78 of 2025 of Excise PS Zaheerabab, registered for the offences punishable under Sections 8(c) read with Sections 21, 22 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as ‘NDPS Act’).

2. The case of prosecution, in brief, is that on 05.04.2025 at about 11:10 a.m., on reliable information, DTF, Sangareddy team conducted route watch on National High Way No.65 at the check-post, Chiragpally and detected a case of illegal transportation of (10.30) grams of Cocaine drug from Goa to Hyderabad by travels bus and the Excise Officials apprehended the accused and seized the contraband under cover of panchanama in the presence of panch witnesses and registered a case against the accused for the offences under Sections 8(c) read with Sections 21, 22 (b) of NDPS Act.

3. Heard Mr.K.Shiva Harsha, learned counsel representing Sri S.Santosh, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned counsel for the petitioner submitted that petitioner has not committed any offence and he was falsely implicated in the present crime. Even according to the allegations made in the Crime and Occurrence Report and the remand report, the ingredients under the provisions of NDPS Act are not attracted. He further submitted that the petitioner was arrested on 05.04.2025 and since then he was in judicial custody. The alleged contraband 10.30 grams of cocaine is in intermediate quantity. He further submitted that the petitioner is not having any criminal antecedents involved in similar offence and he is eking out his livelihood by working as driver and his family is depending upon his income. He further submitted that the petitioner is ready to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court, and hence, prayed for grant of bail.

5. *Per Contra*, the learned Additional Public Prosecutor submitted that the petitioner has committed grave offences and police seized the

contraband 10.30 grams of cocaine which is commercial quantity and the investigation is under progress. Therefore, the petitioner is 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 the police seized the contraband namely 10.30 grams of cocaine which is in small quantity. The petitioner was arrested on 05.04.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor there are no criminal antecedents and he is not involved in similar offences. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused subject to the following conditions:

- (i) The petitioner/accused is enlarged on bail on his executing a personal bond for a sum of Rs.30,000/- with two sureties for a like sum each to the satisfaction of the I Additional District and Sessions Judge Sangareddy District, Telangana.
- (ii) The petitioner/accused shall appear before the concerned S.H.O. at 11.00 A.M. on every Saturday, 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 petitioner/accused 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 petitioner/accused shall abide by the conditions stipulated in Section 483 (3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 17.06.2025

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