

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6875 of 2025

ORDER:

This Criminal Petition has been filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioners, who are arrayed as accused Nos.2 and 3, seeking bail in COR No.53 of 2025 of Prohibition and Excise Police Station, Balanagar, Hyderabad, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(A), 21, 22(b) and 27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act') and Section 50(A) of the Telangana Excise Act, 1968.

2. The case of prosecution in brief is that on 20.05.2025 at about 9.10 pm, the STF B Team, Hyderabad, conducted raid at Vivekananda Statute, Vinayaknagar, Kukatpally Mandal, Medhcal-Malkajgiri District and seized 2.42 grams of MDMA and 38.56 grams of dry ganja (OG Kush) under cover of a panchanama. Hence, the complaint.

3. Heard Mr. G. Ashok Reddy, learned counsel for the petitioners, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed the offences and they were falsely implicated in the present crime basing on the confessional statement given by accused No.1. Even according to the allegations made in the complaint, remand case dairy and panchanama, the alleged contraband, namely 2.42 grams of MDMA and 38.56 grams of dry ganja, was seized from the possession of accused No.1. Hence, ingredients under the provisions of the NDPS Act are not attracted against the petitioners. The petitioners are students and they are not having any criminal antecedents. The petitioners were arrested on 21.05.2025 and since then, they were in judicial custody. The petitioners are ready and willing to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court. Hence, the petitioners are entitled for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioners have committed a grave offence under the provisions of the NDPS Act and the investigation is under progress. Therefore, 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 the police seized contraband i.e., namely 2.42 grams of MDMA and 38.56 grams of dry ganja, from the possession of accused No.1. The only allegation levelled against the petitioners is that 38.56 grams of dry ganja was seized from the possession of the petitioners and other accused. The alleged contraband is a small quantity. Even according to the learned Additional Public Prosecutor, the petitioners are not having any criminal antecedents and they are not involved in similar offence under the NDPS Act.

7. Taking into consideration the 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 be enlarged on bail on their executing 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 I Additional Sessions Judge at Medchal-Malkajgiri District.

(ii) The petitioners/accused Nos.2 and 3 shall appear before the concerned S.H.O. at 11.00 A.M. on every Saturday, for a period of six (6) weeks or till filing of the charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

(iii) The petitioners/accused Nos.2 and 3 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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