

THE HON'BLE SRI JUSTICE J.SREENIVASRAO

CRIMINAL PETITION No.7037 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.3, seeking anticipatory bail in Crime No.2 of 2025 of Prohibition and Excise Station, Nampally, Hyderabad registered for the offence punishable under Sections 8(c) read with Section 20(b)(ii)(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 22.01.2025 at 1.31 p.m., Prohibition and Excise Sub-Inspector along with staff and S.H.O., Nampally Station conducted joint route watch near Adharsh Café, Hill Fort Road, Hyderabad and they found accused Nos.1 and 2 were going on bikes conversing each other side by side on separate motorcycles and on seeing the police, accused No.2 escaped from the spot by leaving the vehicle, but accused No.1 was arrested and seized 2 kgs of ganja from his vehicle under cover of panchanama along with two cell

phones and two wheeler of accused No.1. As per confession of accused No.1, he is selling ganja at the instance of accused No.2 for commission and accused Nos.2 to 5 are ganja sellers. Then handed over the accused No.1 along with the seized property, case papers to S.H.O., Excise Station, Dhoolpet. Basing on the same, the present crime was registered for the aforesaid offences.

3. Heard Mr. Chandrashekhar Yadav.S, learned counsel for the petitioner and Mr.Syed Yasar Moon, learned Additional Public Prosecutor appearing for respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and basing on the confession statement given by the other accused, she was falsely implicated in this case. The alleged contraband was seized from the other accused and therefore, the ingredients of Section 8(c) read with 20(b)(ii)(B) of NDPS Act are not attracted against the petitioner. Even according to the allegations made in the complaint, police seized 2 kgs. of ganja, which is a small quantity. The petitioner is a house wife and she is not

having any criminal antecedents and she is ready and willing to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner and other accused have committed a grave offence under the provisions of NDPS Act and the investigation is under progress. Therefore, if the petitioner is granted bail, she will influence the witnesses and interfere with the investigation. Hence, he prays 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 police seized the 2 kgs. of ganja, which is an intermediate quantity. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents and she is not involved in any similar offence. Even according to the learned counsel, the petitioner is having small children. Taking into consideration the facts and circumstances of the case, this Court is inclined to

grant bail to the petitioner/accused No.3 subject to the following conditions:

- i) The petitioner/accused No.3 is directed to surrender before the S.H.O., Prohibition and Excise Police Station, Nampally, Hyderabad on or before 26.06.2025 and on such surrender, the Station House Officer is directed to enlarge the petitioner on bail on her executing a personal bond for a sum of Rs.25,000/-(Rupees Twenty Five thousand only), with two sureties for a like sum each to his satisfaction.
- ii) The petitioner/accused No.3 shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of four weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
- iii) The petitioner/accused No.3 shall abide by the conditions stipulated under Section 483(3) of BNSS.
- iv) After release, if the petitioner/accused No.3 has committed similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.

7. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 17.06.2025
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