

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.7026 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 petitioner/accused No.1 in C.O.R.No.95 of 2025 of Prohibition and Excise Station, Bhadrachalam, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 24.04.2025, on receipt of credible information regarding illegal possession and transport of dry ganja, the Prohibition and Excise Inspector proceeded to a place in front of Sri Veerabhadra Function Hall, opposite RTO office, Kunavaram Road, and conducted vehicle check and apprehended the petitioner/accused No.1 and accused No.2 and seized 7 kgs of dry ganja from them. Basing

on the same, the aforesaid case was registered against the petitioner and accused No.2 for the aforesaid offences.

3. Heard Mr. B.Muralidhar, learned counsel for the petitioner/accused No.1 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is no way concerned with the seizure of contraband and he was falsely implicated in the said crime. He further submitted that the petitioner has been working as X-Ray technician and eking out his livelihood and he is the sole breadwinner of his family. He further submitted that the petitioner was arrested on 24.04.2025 and since then he is in jail and he is not having any criminal antecedents. He further submitted that the petitioner is ready to cooperate with the investigation and also abide the conditions that may be imposed by this Court and hence, prayed for grant of bail.

5. Per contra, learned Additional Public Prosecutor submitted that petitioner/accused No.1 has committed grave

offence under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act. He further submitted that the investigation is under progress and at this stage, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by learned counsel for the respective parties and after perusal of the material available on record, it reveals that the contraband seized from the petitioner/accused No.1 and accused No.2 is 7 kgs of dry ganja, which is an intermediate quantity and the petitioner was arrested on 24.04.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, no criminal antecedents are reported against the petitioner/accused No.1.

7. Taking into consideration the facts and circumstances of the case and the submissions made by learned counsel for the respective parties, this Court is inclined to grant bail to the petitioner/accused No.1, subject to the following conditions:

- (i) The petitioner/accused No.1 shall execute a personal bond for a sum of Rs.25,000/-(Rupees

Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of Judicial First Class Magistrate, Bhadrachalam.

(ii) The petitioner/accused No.1 shall appear before the concerned Station House Officer at 11.00 A.M. on every Monday, for a period of eight (8) 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.1 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

(iv) After release, if the petitioner/accused No.1 involves in similar offence, the respondent/State is at liberty to file an application seeking cancellation of bail.

8. Accordingly, the Criminal Petition is allowed.

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

Date: 19.06.2025
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J.SREENIVAS RAO, J