

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

Criminal Petition No.7031 of 2025

Order:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner/accused No.6 in Crime No.110 of 2025 of Bomraspet Police Station, Vikarabad District, 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 the Sub Inspector of Police, Bhaisa Town stating that while he was performing patrolling duty on 29-04-2025 at about 11:50 hours, on receiving information about one person selling contraband ganja near Old RTO check post area, Bhainsa Town, he along with his staff went to the said area and then, on seeing the Police officials, the person who was sitting under a Neem tree with white plastic cover started running, thereafter, the Police officials chased him and on enquiry with him, he disclosed his name as Muzammil Hussain/accused and during the check, they found contraband ganja in a white colored plastic bag in his hand for

selling and later, the de facto complainant conducted confession and seizure panchanama, in the confession of accused No.1, he stated that in order to earn money in easy way, he used to purchase ganja from Adnan and likewise, accused persons also used to buy the said contraband from Adnan. Basing on the same, Crime No.110 of 2025 was registered.

3. Heard Mr.M.A.K.Mukheed, learned counsel for the petitioner/accused No.6 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the above crime. He further submitted that the contraband was seized from the possession of other accused and basing on the confession statement given by the other accused, petitioner is arrayed as accused in the present crime. He further submitted that petitioner is 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 anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.6 along with other accused have

committed grave offence under the provisions of NDPS Act and further submits that investigation is not yet completed, hence, 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 accused is 1.14 kgs of ganja, which is an intermediate quantity. Even according to the learned Additional Public Prosecutor, no criminal antecedents are reported against the petitioner/accused No.6 and the other offence registered against the petitioner under Section 307 of IPC only.

7. Taking into consideration of the above facts, this Court is of the considered view that petitioner/accused No.6 is entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioner/accused No.6 shall surrender before the Station House Officer of Bhainsa Town Station, Nirmal District, on or before 24.06.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.6 on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five

Thousand only) with two sureties, for the like sum each.

2. The petitioner/accused No.6 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of six (6) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.
 3. The petitioner/accused No.6 shall abide by the other conditions stipulated in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.
 4. After release, if the petitioner/accused No.6 indulge in similar offence, the respondent/State is at liberty to file an application seeking cancellation of bail.
8. Accordingly, the Criminal Petition is allowed.
- Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 19.06.2025
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