

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

Criminal Petition No.7020 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.2 in crime No.44 of 2025 of Prohibition and Excise Station, Dhoolpet, 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 10-05-2025 at about 3:05 P.M., based on reliable information, the P & ESI team along with SHO Dhoolpet staff conducted a route watch near Shivalal Nagar to Rahim Pura, Dhoolpet. They detected illegal possession and transportation of dry ganja, seizing 1.212 kgs from accused No.1, who was arrested along with the two-wheeler Honda Activa 6G. One male accused was arrested as per the panchanama, while another is absconding. The case papers, seized contraband, and arrested accused were handed over to SHO Dhoolpet. Basing on the same, Crime No.44 of 2024 was registered.

3. Heard Mr. Suresh Singh, learned counsel for the petitioner/accused No.2 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 Auto Driver and eking out his livelihood and he is the sole breadwinner of his family. 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 accused No.2 has committed grave offence under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act. He further submitted that the petitioner/accused No.2 is not having any criminal antecedents and 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 accused No.1 is 1.212 kgs of dry ganja, which is an intermediate quantity. Even according to the learned Additional Public Prosecutor, no criminal antecedents are reported against the petitioner/accused No.2.

7. Taking into consideration of the above facts, this Court is of the considered view that petitioner/accused No.2 is entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioner/accused No.2 shall surrender before the Station House Officer of Prohibition and Excise Station, Dhoolpet, on or before 24.06.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.2 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.2 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.2 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed.

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Miscellaneous applications, pending if any, shall stand closed.

Date: 19.06.2025
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J.SREENIVAS RAO, J

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