

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

Criminal Petition No.7049 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 COR No.266 of 2024 of Prohibition and Excise Station, Dhoolpet, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 27 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 05-12-2024 at about 04:10 PM the Prohibition & Excise Sub-Inspector and staff of SHO Dhoolpet conducted raid at the house of accused No-1 and detected a case of illegal possession and sale of Dry ganja, seized the contraband 2.1 KGS of Dry ganja. Hence arrested four male persons under cover of panchanama and five male accused & 38 ganja consumers are absconding. Basing on the same, COR No.266 of 2024 was registered.

3. Heard Ms. Swathi Sharma, 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 is eking out his livelihood by doing private job 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) and 27(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 accused is 2.1 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.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) of Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.
4. After release, if the petitioners/accused No.2 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.

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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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