

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.7047 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 petitioners/accused Nos.1 and 2 in C.O.R.No.117 of 2025 of Prohibition and Excise Station, Bhadrachalam, registered for the offences punishable under Section 8(c) r/w 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 13.05.2025, 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 RTA unit office, Kunavaram Road, and conducted vehicle check and apprehended the petitioners/accused Nos.1 and 2 and seized 5.1 kgs of greenish colour dry ganja from them. Basing on the same, the aforesaid

case was registered against the petitioners/accused Nos.1 and 2 for the aforesaid offences.

3. Heard Mr. B.Muralidhar, learned counsel for the petitioners/accused Nos.1 and 2 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners are no way concerned with the seizure of contraband and they were falsely implicated in the said crime. He further submitted that the petitioners have been doing petty jobs and eking out their livelihood and they are the sole breadwinners of their family. He further submitted that the petitioners were arrested on 13.05.2025 and since then they are in judicial custody and they are not having any criminal antecedents. He further submitted that the petitioners are 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 petitioners/accused Nos.1 and 2 have committed grave offence under Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act. He further submitted that the investigation is under progress and at this stage, the petitioners are 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 petitioners/accused Nos.1 and 2 is 5.1 kgs of dry ganja, which is an intermediate quantity and the petitioners were arrested on 13.05.2025 and since then they are in judicial custody. Even according to the learned Additional Public Prosecutor, no criminal antecedents are reported against the petitioners/accused Nos.1 and 2.

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

petitioners/accused Nos.1 and 2, subject to the following conditions:

- (i) The petitioners/accused Nos.1 and 2 shall execute personal bonds for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of Judicial First Class Magistrate, Bhadrachalam.
- (ii) After release, the petitioners/accused Nos.1 and 2 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 petitioners/accused Nos.1 and 2 shall abide by the conditions stipulated in Section 483(3) of BNSS.
- (iv) After release, if the petitioners/accused Nos.1 and 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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As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 19.06.2025
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J.SREENIVAS RAO, J