THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 7115 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/accused seeking anticipatory bail in the event of his arrest in C.O.R. No.98 of 2025 of Prohibition and Excise Station, Station House Officer, Saroornagar, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act')

2. The case of prosecution in brief is that the Prohibition and Excise Sub-Inspector, Station Saroornagar, lodged a complaint stating that at about 07.00 p.m., the STF team conducted raid at the house near shivalayam, Road No.1, Krishna Nagar and detected a case of illegal possession and sale of dry ganja. They have taken the accused persons into custody and the petitioner was absconding and seized 1.1 kgs of dry ganja under a cover of panchanama. Hence, the complaint.

3. Heard Mr. A.Y. Sharma, learned counsel, representing Mr. G. Eswaraiah, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and he was falsely implicated in the present crime. Even according to the allegations made in the complaint or in the panchanama, the police without following the mandatory procedure prescribed under the provisions of the NDPS Act, seized the contraband i.e., 1.1 kgs. of dry ganja, which is intermediate quantity. The petitioner is not having any criminal antecedents. The petitioner is ready and willing to cooperate with the investigation and also comply with the conditions, which are going to be imposed by this Court. Hence, the petitioner may be granted anticipatory bail.

5. *Per contra,* learned Additional Public Prosecutor submitted that the petitioner has committed grave offence under the provisions of the NDPS Act and the investigation is under progress. At this stage, if the petitioner is granted

anticipatory bail, he will interfere with the investigation and influence the witnesses. Hence, the petitioner is not entitled to seek anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal the material available on record, it reveals that the police seized the contraband i.e., 1.1 kgs of dry ganja, which is intermediate quantity. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents and he has not involved in similar offences.

7. Taking into consideration the facts and circumstances case, this Court is inclined to grant anticipatory bail to the petitioner/accused with the following conditions:

(i) The petitioner/accused is directed to surrender before the Prohibition and Excise Station House Officer, Saroornagar on or before 30.06.2025 and on such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.20,000/-(Rupees twenty thousand only) with two sureties for a like sum each.

(ii) On such release, the petitioner/accused shall appear before the Prohibition and Excise Station House Officer, Saroornagar, on every Monday at 11:00 a.m. for a period

of six (6) weeks or till filing of the charge sheet, whichever is earlier.

(iii) After release, if the petitioner/accused indulges in similar offences, the respondent is at liberty to file petition seeking cancellation of bail.

(iv) The petitioner/accused shall abide by the conditions stipulated under Section 482 (2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

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J.SREENIVAS RAO, J

Date: 23.06.2025
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