

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.7117 of 2025

Order:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarika Suraksha Sanhita, 2023 (for short, 'BNSS') seeking anticipatory bail to the petitioners/accused Nos.4 & 5 in Crime No.2 of 2025 of Prohibition and Excise Police Station, Nampally, Hyderabad, registered for the offence punishable under Section 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 22.01.2025, on receipt of credible information regarding illegal possession and transportation of ganja, the Sub-Inspector of Police, Prohibition and Excise Police Station proceeded to a place near Adharsh café, Hill Fort Road and apprehended accused No.1 and seized 2 kgs of ganja from him. Basing on the same, the

aforesaid case was registered against the petitioners/accused Nos.4 and 5 and other accused for the aforesaid offence.

3. Heard Mr. V.Sudhakar Babu, learned counsel for the petitioners/accused Nos.4 and 5 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 basing on the confessional statement of accused No.1 and there are no specific allegations against them and material part of investigation is completed except filing of chargesheet. He further submitted that the petitioners are selling panipuri and fruits on the roadside and eking out their livelihood 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.4 and 5 have committed grave offence under Section 8(c) r/w 20(b)(ii)(B) of the 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 is 2 kgs of ganja, which is an intermediate quantity and the petitioners are petty hawkers and eking out their livelihood. Even according to the learned Additional Public Prosecutor, no criminal antecedents are reported against the petitioners/accused Nos.4 and 5.

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 anticipatory

bail to the petitioners/accused Nos.4 and 5, subject to the following conditions:

- i. The petitioners/accused Nos.4 and 5 shall surrender before the Station House Officer, Prohibition and Excise Police Station, Nampally, Hyderabad, on or before 25.06.2025, and on such surrender, the said Station House Officer shall release the petitioners/accused Nos.4 and 5 on bail on their executing personal bonds for Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum.
- ii. On such release, petitioners/accused Nos.4 and 5 shall appear before the Station House Officer, Prohibition and Excise Police Station, Nampally, Hyderabad, on every Monday at 11:00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- iii. After release, the petitioners/accused Nos.4 and 5 shall not influence the witnesses or interfere with the investigation.
- iv. Petitioners/accused Nos.4 and 5 shall abide by the conditions stipulated under Section 482(2)

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of BNSS and shall cooperate with the Investigating Officer in the investigation.

v. After release, if the petitioners/accused Nos.4 and 5 indulge in similar offences, the respondent/State is at liberty to file an application seeking cancellation of bail.

8. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 20.06.2025
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J.SREENIVAS RAO, J