

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7126 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.5 in Crime No.106 of 2024 on the file of Chiragpally Police Station, Sangareddy District, registered for the offence punishable under Section 8(c) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 09.09.2024, at about 12:00 hours, in the outskirts of Chiragpally village, the road lead to Hyderabad to Mumbai, accused Nos.1 and 2 were illegally transporting the dry ganja from Malkangiri of Odisha State to Balki of Karnataka State to gain money illegally. Accused Nos.1 and 2 confessed that on the instructions of accused Nos.3 and 4, accused Nos.1 and 2 were transporting the dry ganja from Malkangiri of Odisha State to Balki, Karnataka State in order to sell the same on higher rates to gain money, wrongfully and accused Nos.5 and 7 associated with accused Nos.1 to 4 for transporting the dry ganja.

Accused Nos.3 and 7 were shown as absconding. Investigation reveals that the Police Chiragpally seized 140 kgs of dry ganja from the possession of accused Nos.1 and 2, which is a commercial quantity. Hence, the accused have committed the offence punishable under Section 8 (c) r/w. 20 (b) (ii) (C) of NDPS Act.

3. Heard Mr.Ravuri Sai Sumanth, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the said crime. He further submits that prior to this crime, one crime was registered against the petitioner in Crime No.50 of 2024. In the said crime, the petitioner was enlarged on bail. However, through PT warrant, he was taken into custody on 05.11.2024, in this present crime. Even after expiry of statutory period, the Investigating Officer has not filed the charge sheet, therefore, he is entitled for grant of statutory bail. The very same allegations are levelled against accused No.3 who was arrested in the present crime and learned I Additional District and Sessions Judge, Sangareddy granted statutory bail to the

accused No.3 in CrI.M.P.No.412 of 2025 dated 06.05.2025.Hence, petitioner is entitled for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.5 has committed grave offence under the provisions of NDPS Act and 140 kgs. of ganja was seized from possession of the petitioner and other accused, which is a commercial quantity and the investigation is under progress. Hence, at this stage, the petitioners are not entitled for grant of bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 05.11.2024 through PT warrant in the present crime and since then he was in judicial custody. It is noteworthy that charge sheet is not filed till date. The record further reveals that the very same allegation levelled against accused No.3 and the learned I Additional District and Sessions Judge, Sangareddy, granted regular bail in favour of accused No.3 in CrI.M.P.No.412 of 2025 on 06.05.2025 on the ground that charge sheet has not been filed, even after expiry of 180 days.

7. Taking into consideration the above facts and circumstances of the case and considering the incarceration period, this Court is inclined to grant bail to the petitioner/accused No.5 subject to the following conditions.

(i) The petitioner/accused No.5 shall execute a personal bond for a sum of Rs.50,000/-(Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the I Additional District and Sessions Judge Court at Sanga Reddy.

(ii) After release, if the petitioner/accused No.5 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.

(iv) The petitioner/accused No.5 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 483(3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 20.06.2025

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