

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 7178 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioners/accused Nos.3 and 4 seeking anticipatory bail in the event of their arrest in Crime No.301 of 2025 of Sanathnagar Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(B), 27(A) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act')

2. The case of prosecution in brief is that on 06.06.2025 at 20:00 hours, while the *de facto* complainant was performing his routine duties received credible information that two persons having lean personality aged about 20-25 years are coming to Victoria Hotel, Moosapet main road from Maharastra with Ganja to sell to the needy customers on 07.06.2025 in between 06:00 hours and 07:00 hours. He also sent requisition to clues team camp at ACP Office, Balanagar. In the meantime, at about 06:10 hours, he along with other staff reached the Spot in front of Victoria hotel, at 06:45 hours

he notice suspects and apprehended them and on questioning, they admitted that they are having Ganja i.e., 1.250 kgs. of ganja in the Bag and he recorded the confession of another person in the presence of mediators Thereafter, he brought the accused along with above seized material to the Sanathnagar PS at 10:00 hours and produced the accused persons before the SHO, Sanathnagar PS for taking necessary action as per law. Hence, the complaint.

3. Heard Mr. P. Animi Reddy, learned counsel for the petitioners, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed the alleged offence and they were 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., 1.250 Kgs. of ganja, which is intermediate quantity. The petitioners are not having any criminal antecedents. The petitioners are 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 petitioners may be granted anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioners have committed grave offence under the provisions of the NDPS Act and the investigation is under progress. At this stage, if the petitioners are granted anticipatory bail, they will interfere with the investigation and influence the witnesses. Hence, the petitioners are 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., 1.250 kgs. of ganja, which is intermediate quantity. Even according to the learned Additional Public Prosecutor, the petitioners are not having any criminal antecedents and they have not involved in similar offences.

7. Taking into consideration the facts and circumstances case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.3 and 4 with the following conditions:

- (i) The petitioners/accused Nos.3 and 4 are directed to surrender before the Station House Officer, Sanathnagar Police Station, Cyberabad, on or before 30.06.2025 and on such surrender, they shall be enlarged on bail on their executing a personal bond for a sum of Rs.20,000/-(Rupees twenty thousand only) each with two sureties for a like sum each.
- (ii) On such release, the petitioners/accused Nos.3 and 4 shall appear before the Station House Officer, Sanathnagar Police Station, Cyberabad, 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 petitioners/accused Nos.3 and 4 indulge in similar offences, the respondent is at liberty to file petition seeking cancellation of bail.
- (iv) The petitioners/accused Nos.3 and 4 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.

J.SREENIVAS RAO, J

Date: 23.06.2025
mar