

THE HON'BLE SRI JUSTICE SREENIVAS RAO
CRIMINAL PETITION No.7309 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.5, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.56 of 2024 of Excise Police Station Golconda, Hyberabad District, registered for the offences 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 on 08.10.2024 at about 0540 hours in front of NS fabrication, Alijapur, Golconda, Hyderabad, A-1 and A-2 were found in possession of 981 grams of weed oil transporting on a two wheeler and on enquiry it is revealed that A-3 to A-6 were involved in this case. Hence, the petitioner/A-5 along with other accused have committed offence punishable under Section 8 (c) read with 20 (b) (ii) (B) of NDPS Act.

3. Heard Mr.L.K.Sharma, 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 the petitioner has not committed any offence and he is falsely implicated in this case. Even according to the allegations made in the complaint copy and Remand Case Diary the contraband was seized from A-1 and A-2 and basing on the confession statement given by other accused the police implicated the petitioner as against No.5 in this case. The ingredients under the provisions of NDPS Act are not attracted and moreover the quantity seized was an intermediate quantity. He further submitted that petitioner is not having any criminal antecedents and he is ready and willing to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for anticipatory bail.

5. On the other hand, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and the investigation is under progress. Therefore, if the petitioner is granted anticipatory bail, at this stage, there is every chance to influence the witnesses and to interfere with the investigation. Hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the contraband seized was from the possession of A-1 and A-2. It would

further reveal that the petitioner was implicated in this case only basing on the confession made by other accused. Even according to learned Additional Public Prosecutor there are no criminal antecedents against the petitioner.

7. Taking into consideration the said facts, this Court is inclined to grant anticipatory bail to the petitioner/accused No.5 subject to the following conditions.

1. The petitioner/accused No.5 shall surrender before the Station House Officer of Excise Police Station Golconda, Hyderabad District, on or before 02.07.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.5 on bail on his executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties, for a like sum each.
2. After release, the petitioner/accused No.5 shall appear before the concerned SHO for a period of (06) weeks or till filing of charge sheet whichever is earlier and thereafter, as and when required.
3. After release, the petitioner/accused No.5 shall not influence the witnesses or interfere with the investigation.
4. The petitioner/accused No.5 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.

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5. The petitioner/accused No.5 after release on anticipatory bail, if he is indulged in similar offence, liberty is granted to the respondent to file application for cancellation of anticipatory bail.
8. Accordingly, the Criminal Petition is allowed.

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

Date:24.06.2025
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J.SREENIVAS RAO, J

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Date:24.06.2025
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