

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7458 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioners/accused Nos.1 and 3 in Crime No.69 of 2025 on the file of Mokila Police Station, Cyberabad District, registered for the offences punishable under Sections 8(c) r/w 20 (b) (ii) (C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that petitioners/accused Nos.1 and 3 herein were found in possession of huge commercial quantity of Narcotic Drug i.e., 52 kgs. of ganja and seized the material objects which is used at the time of commission of offence.

3. Heard Mr.Rapolu Bhaskar, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed the offence and they were falsely

implicated in the above said crime. He further submitted that the Police have not followed the mandatory procedure prescribed under Sections 42, 50 and 52 of the NDPS Act, while conducting or also seizing the contraband. He further submitted that even if the alleged contraband divided into three parts, the contraband seized from the petitioners is below commercial quantity. He further submits that the petitioners were arrested on 06.03.2025 and since more than 100 days, they were in judicial custody. He further submits that entire investigation is completed, except filing of the charge sheet. He further submits that petitioners are not having criminal antecedents and they are ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioners/accused Nos.1 and 3 have committed grave offence under the provisions of NDPS Act and 52 kgs. of ganja was seized from possession of the petitioners and other accused, which is a commercial quantity. He further submits that investigation is under progress and also submitted that petitioner No.1/accused No.1 is

involved in more than 13 crimes, including four similar offences under the NDPS Act. Hence, 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 Police seized the contraband namely 52 kgs of ganja, which is commercial quantity. During the course of hearing, learned Additional Public Prosecutor, specifically submitted that the Police after following the mandatory procedure prescribed under the provisions of NDPS Act, conducted the search and seized the contraband from the accused. The record reveals that petitioners were arrested on 06.03.2025 and 12 witnesses were examined. Even as per the instructions furnished by the Sub-Inspector of Police of Mokila Police Station dated 17.06.2025, petitioner No.2/accused No.3 is not having any criminal antecedents. Insofar as petitioner No.1/accused No.1 is concerned, he was an accused in Crime No.431 of 2023, Crime No.21 of 2024, Crime No.98 of 2018 and Crime No.62 of 2021, which are

registered under the provisions of NDPS Act and also petitioner No.1/accused No.1 is also accused in other cases.

7. Taking into consideration the above facts and circumstances of the case, this Court is not inclined to grant bail in favour of petitioner No.1/accused No.1, as per Section 37 of the NDPS Act. Accordingly, this Criminal Petition is dismissed against petitioner No.1/accused No.1.

8. Insofar as Petitioner No.2/accused No.3 is concerned, the petitioner No.2/accused No.3 is not involved in similar offences and he is not having any criminal antecedents. Therefore, this Court is inclined to grant bail to the petitioner No.2/accused No.3 subject to the following conditions.

(i) The petitioner No.2/accused No.3 shall execute a personal bond for a sum of Rs.25,000/-(Rupees twenty five thousand only) each with two sureties for a like sum each to the satisfaction of the Metropolitan Magistrate at Chevella.

(ii) After release, the petitioner No.2/accused No.3 shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of

six (6) 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, if the petitioner No.2/accused No.3 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 No.2/accused No.3 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 483(3) of BNSS.

9. Accordingly, the Criminal Petition is partly allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 26.06.2025

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