

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.7381 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 petitioner/accused No.7 in Crime No.100 of 2025 of Afzalgunj Police Station, Hyderabad, registered for the offence punishable under Section 8(c) r/w Section 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 19.03.2025 at about 03:00 p.m., on receipt of credible information regarding illegal sale of ganja, the Sub-Inspector of Police, Afzalgunj Police Station proceeded to a place near Bus parking place, near Sriramghar Hanuman Mandir, Gowliguda, Afzalgunj, and apprehended accused Nos.1 to 3 and seized 7.31 kgs of ganja from them. Based on the same, the aforesaid crime was

registered against the petitioner/accused No.7 and other accused for the aforesaid offence.

3. Heard Mr. L.K.Sharma, learned counsel for the petitioner/accused No.7 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is no way concerned with the seizure of contraband and even according to the complaint, the contraband was seized from the other accused and based on their confession only, the petitioner was falsely implicated in the present crime. He further submitted that the petitioner has been doing small business and eking out his livelihood and he is not having any criminal antecedents and he is ready to cooperate with the investigation and abide by the conditions as may be imposed by this Court and hence, prayed for grant of anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.7 has committed grave offence

under the provisions of the NDPS Act. He further submitted that the investigation is under progress and at this stage, the petitioner is not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by learned counsel for the respective parties and on perusal of the material available on record, it reveals that there are no specific allegations against the petitioner and the alleged contraband *i.e.*, 7.31 kgs of ganja was seized from the possession of the other accused and the same is an intermediate quantity. Even according to the learned Additional Public Prosecutor, no criminal antecedents are reported against the petitioner/accused No.7.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner/accused No.7, subject to the following conditions:

- i. The petitioner/accused No.7 shall surrender before the Station House Officer, Afzalgunj Police Station, Hyderabad, on or before

01.07.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.7 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.

ii. On such release, the petitioner/accused No.7 shall appear before the Station House Officer, Afzalgunj Police Station, 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, for the purpose of investigation, and thereafter, as and when required.

iii. After release, the petitioner/accused No.7 shall not influence the witnesses or interfere with the investigation.

iv. Petitioner/accused No.7 shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.

v. After release, if the petitioner indulges in similar offences, the respondent/State is at liberty to file an application seeking cancellation of bail.

8. Accordingly, the Criminal Petition is allowed.

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

Date: 25.06.2025
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J.SREENIVAS RAO, J