

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7547 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner/accused No.9 in Crime No.266 of 2024 on the file of Prohibition and Excise Police Station, Dhoolpet, Hyderabad, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 27(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of prosecution in brief is that on 05.12.2025, on receipt of credible information, Prohibition and Excise Sub-Inspector, Dhoolpet along with other staff proceeded towards H.No.13-6-831/a/4, Toli Majid, Karwan, Asifnagar, Hyderabad and found accused Nos.1 and 3 to 5 in suspicious circumstances and apprehended them and seized 2.100 kgs of ganja. The Police recorded their statements, where under the involvement of accused Nos.2 and 6 to 47 came into light. It is alleged that accused Nos.10 to 47 are ganja customers and accused Nos.1 to 8, including petitioner are ganja sellers. Basing on the same, present crime was registered.

3. Heard Sri Gulab Singh, learned counsel for petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submitted that petitioner has not committed alleged offence and basing on the confession statement given by the other accused, he was falsely implicated in the above crime. He further submitted that even according to the allegations made in the complaint and remand case diary, the alleged contraband was seized from the other accused. He further submitted that the petitioner is not having any other criminal antecedents and accused Nos.1, 3, 4 and 5 in the said crime were already enlarged on bail. He further submitted that the petitioner is ready to cooperate with the investigation and also ready to abide the conditions, which are going to 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.9 has committed grave offences under the provisions of the NDPS Act and investigation is under progress and

since December, 2024, petitioner is absconding, hence the petitioner is not entitled for grant of anticipatory 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 contraband seized was 2.100 kgs. of Ganja, which is an intermediate quantity. Even according to the learned counsel for the petitioner, accused Nos.1, 3, 4 and 5 were already enlarged on bail, pursuant to the orders passed by the learned I Additional Sessions Judge, Hyderabad in CrI.M.P.Nos.5711 of 2024, 5673 of 2024 and 5630 of 2024, dated 19.12.2024 and 20.12.2024. Even according to the learned Additional Public Prosecutor, petitioner is not having any other criminal antecedents.

7. Taking into consideration the above facts, this Court is of the considered view that petitioner/accused No.9 is entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioner/accused No.9 shall surrender before the Station House Officer of Prohibition and Excise Police Station, Dhoolpet, Hyderabad, on or before 04.07.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.9 on bail on his executing a personal bond for

Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, for the like sum each.

2. The petitioner/accused No.9 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of four (4) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.
 3. After release, if the petitioner/accused No.9 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.
 4. The petitioner/accused No.9 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.
8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date:27.06.2025

vsl