

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7540 of 2025

ORDER:

This Criminal Petition is filed by the petitioner/accused No.5 under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking regular bail in Crime No.04 of 2025 on the file of P.S.Zaheerabad Town, Sangareddy District, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution in brief is that on 03.01.2025, on receipt of credible information, Police apprehended petitioner along with others and seized 110 kgs of ganja. Basing on the same, Crime No.04 of 2025 was registered.

3. Heard Mr.D.Suryanarayana, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offence and he was falsely

implicated in the above crime, basing upon the confession statement given by the other accused. He further submitted that the contraband was seized from accused Nos.1 and 2 only, hence the provisions of the NDPS Act are not attracted against the petitioner. He further submitted that the petitioner was arrested on 28.01.2025 and since then he is in judicial custody. He further submitted that the investigating officer after conducting investigation, filed charge sheet before the learned I Additional District and Sessions Judge, Sangareddy, on 30.04.2025. He further submitted that the petitioner is eking out his livelihood by working as coolie and he is not having any other criminal antecedents. He further submitted that the petitioner will appear before the concerned Court as and when required and will abide by the conditions, which are going to be imposed by this Court. Hence, prayed for grant of bail.

5. Per contra, learned Additional Public Prosecutor submitted that petitioner has committed grave offences under the provisions of NDPS Act and 110 kgs of ganja was seized, which is a commercial quantity. Hence, the petitioner is 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 the petitioner was arrested on 28.01.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, the investigating officer after conducting investigation, filed charge sheet before the learned I Additional District and Sessions Judge, Sangareddy, on 30.04.2025 and the petitioner is not having any other criminal antecedents.

7. Taking into consideration the above said facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.5, subject to the following conditions:

(i) The petitioner/accused No.5 shall be released on bail on his executing a personal bond for a sum of Rs.30,000/- (Rupees thirty thousand only) with two sureties for a like sum each to the satisfaction of the learned I Additional District and Sessions Judge, Sangareddy.

(ii) After release, petitioner/accused No.5 shall appear before the learned I Additional District and Sessions Judge, Sangareddy, on each and every adjournment.

(iii) After release, if the petitioner/accused No.5 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/accused No.5 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 483(3) of BNSS and shall cooperate with the investigation.

8. Accordingly, the criminal petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 27.06.2025

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