

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7706 of 2025

ORDER:

This Criminal Petition has been filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner, who is arrayed as accused No.1, seeking bail in COR No.53 of 2025 of Prohibition and Excise Police Station, Balanagar, Hyderabad, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(A), 21, 22(b) and 27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act') and Section 50(A) of the Telangana Excise Act, 1968.

2. The case of prosecution in brief is that on 20.05.2025 at about 9.10 pm, the STF B Team, Hyderabad, conducted raid at Vivekananda Statute, Vinayaknagar, Kukatpally Mandal, Medhcal-Malkajgiri District and seized 2.42 grams of MDMA and 38.56 grams of dry ganja (OG Kush) under cover of a panchanama. Hence, the complaint.

3. Heard Mr. M. Arun Kumar, 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 offences and he is falsely implicated in the present crime. Even according to the allegations made in the complaint, remand case dairy and panchanama, the alleged contraband, namely 2.42 grams of MDMA and 38.56 grams of dry ganja, was seized from the possession of accused No.1. Hence, ingredients under the provisions of the NDPS Act are not attracted against the petitioner. The petitioner is eking out his livelihood by working as a private employee. He further submitted that in so far as quantity of seizure of MDMA is concerned, it is an intermediate quantity and he is not having any criminal antecedents. The petitioner was arrested on 21.05.2025 and since then, he is in judicial custody. He further submitted that very same allegations are leveled against A-2 and A-3 and they have approached this Court and filed CrI.P.No.6875 of 2025 for grant of bail and this Court granted bail in favour of the petitioners on 17.06.2025. The petitioner is ready and willing to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court. Hence, the petitioner is entitled for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed a grave offence under the

provisions of the NDPS Act and the investigation is under progress. Therefore, at this stage, 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 police seized contraband i.e., namely 2.42 grams of MDMA and 38.56 grams of dry ganja, from the possession of accused No.1. The only allegation levelled against the petitioner is that 38.56 grams of dry ganja was seized from the possession of the petitioner and other accused. The alleged contraband is a intermediate quantity. The record further discloses that in the preset crime this Court granted bail to A-2 and A-3 *vide* Crl.P.No.6875 of 2025 dated 17.06.2025. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents and he is not involved in similar offence under the NDPS Act.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.1, subject to the following conditions:

- (i) The petitioner/accused No1 shall be enlarged on bail on his executing a personal bond for a sum of

Rs.30,000/-(Rupees thirty thousand only) each with two sureties for a like sum each to the satisfaction of I Additional Sessions Judge at Medchal-Malkajgiri District.

- (ii) The petitioner/accused No.1 shall appear before the concerned S.H.O. at 11.00 A.M. on every Monday, for a period of eight (8) weeks or till filing of the charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- (iii) The petitioner/accused No.1 shall abide by the conditions stipulated in Section 483 (3) of BNSS.
- (iv) After release, if the petitioner/accused No.1 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.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date:01.07.2025

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31

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