

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7811 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 petitioner/accused No.1 in Crime No.32 of 2025 on the file of Police Station Prohibition and Excise Dhoolpet, Hyderabad, registered for the offences punishable under Section 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 is that on 16.04.2025 at around 12:15 PM, based on reliable information regarding ganja transportation on a maroon Honda Scooty (Reg. No. TS13EY0344), the Prohibition and Excise Inspector, along with staff and panchas, conducted a route watch near the Rani Avanti Bai Statue, Amlapur, Asif Nagar, Hyderabad. One person arrived on the said Scooty carrying a bag. Upon being stopped and questioned, he identified himself as Thakur Akash Singh – accused No.1. With his consent, the vehicle was searched, and a plastic bag containing 8 brown tape-wrapped bundles of dry ganja was found. Meanwhile, two

individuals on another Scooty fled the scene, abandoning their vehicle, which contained 2 more similar bundles. A total of 10 bundles weighing approximately 25.230 kgs of dry ganja were seized. During interrogation, petitioner/accused No.1 revealed the involvement of several other accused. He also confessed to selling ganja sachets with his mother at Rs. 500 each. Petitioner/accused No.1 was arrested, and two Scooties along with two mobile phones, were seized. A case was registered against 8 accused persons. Basing on the same a case was registered in Crime No.32 of 2025.

4. Heard Mr.Umesh Singh, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioner submitted that petitioner has not committed alleged offences and he was falsely implicated in the said crime. He further submitted that, even according to the allegations made in the complaint or seizure panchanama, the ingredients under Section NDPS Act are not attracted against the petitioner. He also submitted that petitioner/accused No. 1 was arrested on 16.04.2025, and since more than 78 days he was in

judicial custody. He further submitted that the very same allegations are leveled against accused No.3 and this Court granted bail in his favour on 18.06.2025 and the petitioner eking out his livelihood by doing private employment. He further submitted that petitioner is not having any criminal antecedents and entire investigation is completed, except filing of charge sheet and the petitioner is ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

6. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave offences under the provisions of NDPS Act and 25.230 kgs of Ganja, which was seized is a commercial quantity and the investigation is under progress and as per the provision of Section 37 of NDPS Act, the petitioner is not entitled for grant of bail.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that police seized 25.230 kgs of ganja, which is a commercial quantity from the possession of the petitioner and other

accused. The petitioner was arrested on 16.04.2025 and since then he was in judicial custody. The record reveals that this Court granted regular bail in favour of accused No.3 in Crl.P.No.6641 of 2025 on 18.06.2025. Even according to the learned Additional Public Prosecutor, petitioner is not having any criminal antecedents and he is not involved in similar offences and 11 witnesses were already examined.

8. Taking into consideration the above 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 No.1 shall execute 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 Chief Judicial Magistrate, Hyderabad.
- (ii) After release, 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) 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.

(iv) The petitioner/accused No.1 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

9. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 02.07.2025

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