

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7947 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.61 of 2025 on the file of Prohibition and Excise Station, Shamshabad, registered for the offences punishable under Section 8(c) r/w 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 09.05.2025 at about 10:25 P.M., on reliable information regarding illegal possession and sale of Alprazolam, the Prohibition and Excise Sub-Inspector along with staff of A.C. Enforcement, Ranga Reddy District, and mediators proceeded to H.No.3-4-103/I/C/1, Radha Krishna Nagar Colony, Attapur, where they found 613 grams of Alprazolam in the possession of the petitioner. The other accused are absconding. The officials seized the said Alprazolam under cover of panchanama and took the petitioner into custody. The police registered the crime and investigated into the matter.

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

4. Learned counsel for the petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the said crime. He further submitted that the Police without following the mandatory procedure prescribed under the Sections 50 and 52 of the NDPS Act, seized the contraband. He further submitted that the petitioner was arrested on 09.05.2025 and since more than 55 days, he is in judicial custody and he is not having criminal antecedents. He further submitted that 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.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.1 along with other accused has committed grave offence under the provisions of NDPS Act and 613 grams of Alprazolam was seized from possession of the petitioner and other accused, which is a commercial quantity and the investigation is under progress and if the petitioner is released on bail at this stage, he

may commit the similar offence, tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that petitioner was arrested on 09.05.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, the petitioner is not having any other criminal antecedents.

7. 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.50,000/-(Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate of First Class at LB Nagar, Ranga Reddy District.

(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 other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 483(3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 04.07.2025

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