

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 8358 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/accused No.3 seeking anticipatory bail in the event of his arrest in C.O.R. No.15 of 2025 of Prohibition and Excise Police Station, Malakpet, registered for the offence punishable under Sections 8(c) read with 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act')

2. The case of prosecution in brief is that on 08.05.2025 at around 10:00 PM, basing on reliable information regarding illegal possession and sale of dry ganja, the Prohibition and Excise Sub-Inspector and staff of Malakpet Police Station, Hyderabad, conducted a raid at H.No.17-1-178/RC/17 and 18, 2nd Floor, near Water Tank, Milad Road, Edi Bazar, Santosh Nagar, Hyderabad. During the raid, accused Nos.1 and 2 were found in possession of 6 kilograms of dry ganja intended for sale. The accused were apprehended at the scene and the seized contraband along with case papers were handed over to the Station House Officer (SHO). Both accused

were produced before the court and remanded to judicial custody. During the course of investigation, accused Nos.1 and 2 voluntarily confessed the offence and disclosed that they were procuring the contraband from accused No.3. Hence, the complaint.

3. Heard Mr. Gulab Singh, 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 alleged offence and he was falsely implicated in the present crime. Basing on the confessional statements given by accused Nos.1 and 2, the petitioner was implicated in this crime. The alleged contraband was seized from accused Nos.1 and 2. The petitioner is eking out his livelihood by doing coolie work. The petitioner is ready and willing to cooperate with the investigation and also comply with the conditions, which are going to be imposed by this Court. Hence, the petitioner may be granted anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the police seized 6 kgs. of dry ganja. The petitioner is having criminal antecedents and involved in similar offences and two crimes were pending against him. The investigation is under progress. At this stage, if the petitioner is granted anticipatory bail, he will repeat the very same crime and will interfere with the investigation and influence the witnesses. Hence, the petitioner is not entitled to seek anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal the material available on record, it reveals that the police seized the contraband i.e., 6 kgs. of dry ganja, which is intermediate quantity, from the possession of accused Nos.1 and 2. Learned Assistant Government Pleader placed the instructions of the Prohibition and Excise Sub-Inspector, Malakpet Excise Station, wherein it stated that accused Nos.1 and 2 were arrested on 08.05.2025 and enlarged on bail on 23.05.2025. Learned counsel for the petitioner during the course of hearing submitted that accused Nos.1 and 2 were released on bail in CrI.M.P.No.2315

of 2025 dated 23.05.2025 on the file of the I Additional Sessions Judge, Hyderabad.

7. Taking into consideration the facts and circumstances case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.3 with the following conditions:

- (i) The petitioner/accused No.3 is directed to surrender before the Station House Officer, Prohibition and Excise Police Station, Malakpet, on or before 22.07.2025 and on such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five only) with two sureties for a like sum each.
- (ii) On such release, the petitioner/accused No.3 shall appear before the Station House Officer, Prohibition and Excise Police Station, Malakpet, on every Monday at 11:00 a.m. commencing from 28.07.2025 for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.
- (iii) After release, if the petitioner/accused No.3 indulges in similar offences, the respondent is at liberty to file petition seeking cancellation of bail.
- (iv) The petitioner/accused No.3 shall abide by the conditions stipulated under Section 482 (2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

Date: 14.07.2025
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J.SREENIVAS RAO, J