

HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.8484 of 2025

ORDER:

This Criminal Petition is filed under Section 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.1 in COR No.93 of 2025 on the file of the Prohibition and Excise Sub-Inspector, Station House Officer, Serilingampally, registered for the offences punishable under Sections 8(c) r/w 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 12.06.2025, petitioner along with other accused was found in possession of 2.20 grams of MDMA Pills. Basing on the complaint, present crime was registered.

3. Heard Mr.Nikil Chainani, learned counsel representing Mr.Enuganti Sudhanshu Rao, learned for the petitioner through video conference and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor 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. He further submitted that alleged contraband was not seized from the possession of the petitioner. He further submitted that the Police without following the mandatory procedure prescribed under Section 42 of the NDPS Act, has conducted the search and recorded the panchanama. Even according to the allegations made by the prosecution, the alleged contraband is involved in the present crime is intermediary quantity. He further submitted that petitioner is eking out his livelihood by doing private employment and he is not having any criminal antecedents. He further submitted that the petitioner was arrested on 12.06.2025 and since then he is in judicial custody and the entire investigation is completed, except filing of charge sheet. He further submitted that the petitioner is not having any other criminal antecedents and he shall abide by the conditions, which are going to be imposed by this Court, and he is ready to cooperate with the investigation. Hence, the petitioner may be enlarged on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner and other accused have committed grave offence under the provisions of NDPS and the investigation is under progress.

At this stage, if the petitioner is enlarged on bail, he will commits the very same offence and also influence the witnesses. 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 the Police seized the contraband namely 2.20 grams of MDMA Pills, which is intermediary quantity and the petitioner was arrested on 12.06.2025, since then he was in judicial custody. Even according to the learned Additional Public Prosecutor, petitioner is not involved in similar offence and he is not having any criminal antecedents.

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 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 XIII Additional District and Sessions Judge, Cyberabad, Ranga Reddy at L.B.Nagar.

(ii) The petitioner/accused No.1 shall appear before the concerned SHO at 11.00 A.M. on every Saturday, for a period of six (6) weeks or till filing of 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.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 16.07.2025
Lk

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