

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION Nos.9349 and 9350 of 2025

ORDER:

These Criminal Petitions are filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioners/accused Nos.10, 11, 18 and 19, seeking bail in Crime No.108 of 2025 of Aswaraopet Police Station, Kothagudem, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. Since these criminal petitions are arising out of Crime No.108 of 2025, they are heard together and disposed of by this common order.

3. The case of prosecution in brief is that on 08.05.2025 at 07.10 hours, on information, at in front of HP Petrol Bunk, Aswaraopeta to Bhadrachalam Road, the complainant and his staff apprehended the accused Nos.1 to 7 while they were transporting the Ganja on three motorcycles i.e., Hero Splendor Plus Bike bearing No. TG-28-2976, Bajaj Boxer bike bearing NO.AP 04 G 5728 and Bajaj Discover bike bearing No.AP 39 DW 9865 and seized 5.5 kgs of Ganja in the

presence of mediators. Basing on the confession and seizure panchanama, present crime was registered.

4. Heard Mr.Ch.Venkat Raman, learned counsel for the petitioners, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent-State.

5. Learned counsel for the petitioners submitted that the petitioners did not commit the alleged offences and they were falsely implicated in the present crime. Even according to the allegations made in the complaint or in the panchanama or in the Remand Case Diary, there are no allegations, much less specific allegations, levelled against the petitioners to attract the ingredients under the provisions of the NDPS Act. He further submitted that even according to the prosecution, the seized contraband of 5.5 kgs. of ganja is intermediate quantity. He further submitted that the petitioners were arrested on 08.05.2025 and since then, they are in judicial custody and the entire investigation is completed, except filing of the charge sheet. He further submitted that the petitioners/accused Nos.10 and 11 in CrI.P.No. 9350 of 2025 are eking out their livelihood by working as private vehicle drivers and petitioners/accused Nos.18 and 19 in CrI.P.No 9349 of 2025 are eking

out their livelihood by doing coolie work and by working as driver and they are not having any other criminal antecedents. He further submitted that the very similar allegations are levelled against accused Nos.2 to 4 and they had approached this Court and filed CrI.P.No.8143 of 2023 and this Court allowed the said petition on 09.07.2025. He further submitted that the petitioners are ready and willing 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 opposed the bail petition and submitted that the petitioners have committed grave offence under the NDPS Act and the investigation is under progress and if they are released on bail at this stage, they may tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

7. 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 5.5 kgs. of ganja which is an intermediate quantity and the petitioners were arrested on

08.05.2025 and since then, they were in judicial custody. According to the learned counsel for the petitioner, the very similar allegations are levelled against accused Nos.2 to 4 and they had approached this Court and filed CrI.P.No.8143 of 2023 and this Court allowed the said petition on 09.07.2025. Even according to the learned Additional Public Prosecutor, 14 witnesses were examined and the custodial interrogation of the petitioners is no more required and the petitioners are not having any other criminal antecedents.

8. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners/accused Nos.10, 11, 18 and 19, subject to the following conditions:

(i) The petitioners/accused Nos.10, 11, 18 and 19 shall execute a personal bond for a sum of Rs.15,000/-(Rupees Fifteen Thousand only) each with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate, Dammapeta, Bhadravadi-Kothagudem District.

(ii) The petitioners/accused Nos.10, 11, 18 and 19 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of four (4) weeks or till filing of charge sheet whichever is

earlier, for the purpose of investigation and thereafter, as and when required.

(iii) After release, the petitioners/accused Nos.10, 11, 18 and 19 shall not influence the witnesses or interfere with the investigation.

(iii) After release, if the petitioners/accused Nos.10, 11, 18 and 19 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in their favour.

(iv) The petitioners/accused Nos.10, 11, 18 and 19 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

9. Accordingly, the Criminal Petitions are allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date:01.08.2025

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