

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.9617 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.2 in COR.No.10 of 2025 on the file of Prohibition and Excise Station, Saroornagar, Ranga Reddy District, registered for the offences punishable under Section 8(C) r/w 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 31.01.2025, the Police apprehended the petitioner along with other accused and seized 0.41 kgs of hashish oil. Basing on the same, present crime was registered.

3. Heard Mr. S.Ganesh, 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 present crime, only basing on the confession statement given by accused No.1. He further submitted that the alleged contraband, namely 0.41 kgs. of hashish oil, was seized from the possession of accused No.1, hence the provisions of the NDPS Act are not attracted against the petitioner. He further submitted that the petitioner was arrested on 08.07.2025 and since then he is in judicial custody and the entire investigation is completed, except filing of charge sheet. He further submitted that accused No.1 in the said crime has already been released on bail. He further submitted that the petitioner is not having any other criminal antecedents and he 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.2 along with other accused has committed grave offence under the provisions of NDPS Act and

the police seized a total of 0.41 kgs. of hashish oil and the investigation is under progress and if the petitioner is released on bail at this stage, he may tamper with the evidence, threaten the witnesses and commit a similar offence, 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 0.41 kgs. of hashish oil was seized from the possession of the petitioner and other accused, which is intermediate quantity and the petitioner was arrested on 08.07.2025 and since then he is in judicial custody. According to the learned counsel for the petitioner, accused No.1 in the said crime has already been released on bail and the same is not disputed by the learned Additional Public Prosecutor. 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.2, subject to the following conditions:

(i) The petitioner/accused No.2 shall execute a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the V Additional Judicial Magistrate of First Class, L.B.Nagar.

(ii) After release, the petitioner/accused No.2 shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of four (4) 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.2 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.2 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 483(3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date:01.08.2025

Vsl