

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.9895 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/accused No.11 seeking bail in Crime No.725 of 2025 of Kukatpally Police Station, Cyberabad Commissionerate, Hyderabad, registered for the offences punishable under Sections 8(c) read with 21(c), 25-A and 29 of The Narcotic Drugs And Psychotropic Substances, Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution in brief is that on 02.06.2025, petitioners along with other accused were found in possession of 820 grams of Cocaine and Ephedrine mix. Basing on the same, present crime was registered.

3. Heard learned counsel for the petitioner and Sri 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 offences and he was falsely implicated in the present crime. He further submitted the police seized the contraband of Cocaine and Ephedrine mix, according to them total quantity of the contraband was 820 grams. Though the Ephedrine contraband is not included in the Schedule of the NDPS Act, and carrying the Ephedrine is not an offence under the provision of NDPS Act. The police have not identified the alleged Cocaine and Ephedrine as the contraband seized is more than a commercial quantity. He further submitted that the petitioner was arrested on 07.06.2025 and since then, they were in judicial custody and the entire investigation is completed, except filing of charge sheet. He further submitted that the petitioner is not involved in similar offence and they are not having any other criminal antecedents and they are 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. On the other hand, learned Additional Public Prosecutor submitted that the petitioner has committed grave offences

under the provisions of the NDPS Act. The police seized contraband substances, namely 820 grams of cocaine and ephedrine, which constitute a commercial quantity. He further submitted that the investigation is currently in progress, and if the petitioners are released on bail at this stage, they may repeat the same offence, interfere with the investigation, and influence the witnesses. Therefore, at this stage, the petitioner is not entitled to the grant of bail.

6. In view of the rival submissions made by both the learned counsel and upon perusal of the material available on record, it is observed that the police seized contraband substances, namely 820 grams of cocaine and ephedrine. According to the prosecution, the contraband seized in the present case constitutes a commercial quantity. However, the prosecution itself acknowledges that the police have not separated the cocaine and ephedrine, nor have they specified the individual quantities of each substance. Furthermore, the possession and transportation of ephedrine are not included in the schedule appended to the NDPS Act. The learned Additional Public Prosecutor has also submitted that the FSL report is awaited. The record further reveals that the petitioner

was arrested on 07.06.2025 and has been in judicial custody since then. It is also submitted by the learned Additional Public Prosecutor that the petitioner is not involved in any similar offences and do not have any criminal antecedents.

7. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant bail in favour of the petitioner/accused No.11 subject to the following conditions:

- (i) The petitioner shall execute a personal bond for a sum of Rs.30,000/- (Rupees thirty thousand only) each with two sureties for a like sum each to the satisfaction of the Additional District and Sessions Judge-cum-Additional Family court-Special Sessions Judge for Fast Tracking the cases relating to atrocities against women, Medchal-Malkajgiri at Malkajgiri.
- (ii) The petitioner 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, if the petitioner 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 petitioner shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall also stand closed.

Date: 11.08.2025
SAI

K. SUJANA, J

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.9895 of 2025

Date: 11.08.2025

SAI