

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.10315 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.8 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 Section 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, the petitioner was found in possession of 820 grams of Cocaine and Ephedrine mix. Basing on the same, present crime was registered.

3. Heard Ms. Mounika, learned counsel representing, Mr. P. Subash, 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 statement given by the other accused and the same is not admissible under law. He further submitted that the alleged contraband was also seized from the other accused, hence the ingredients under the provisions of NDPS Act are not attracted. Learned counsel for the petitioner further submitted that the police seized the contraband of Cocaine and Ephedrine mix, according to them total quantity of the contraband is 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 04.06.2025 and since then, he was 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 he 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 submits that the petitioner has committed grave offences under the provisions of the NDPS Act. The police seized contraband is namely 820 grams of Cocaine and Ephedrine which is in commercial quantity. The investigation is under progress and if the petitioner is released on bail at this stage, he may repeat the very same offence and also interfere with the investigation as well as influence the witnesses. Therefore, at this stage, the petitioner is not entitled for grant of bail.

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 contraband namely 820 grams of Cocaine and Ephedrine. According to the prosecution, the contraband seized in the present case is in commercial quantity. Learned counsel for the petitioner further submitted that the police has not divide what is the actual quantity of Cocaine and what is the actual quantity of Ephedrine and carrying the Ephedrine and contraband is not included within the schedule under the provisions of NDPS Act and carrying and holding Cocaine-Ephedrine mix is not an offence under the

provisions of NDPS Act. Even according to the learned Additional Public Prosecutor, the FSL report is awaited and the record further reveals that the petitioner was arrested on 04.06.2025, and since then he was in judicial custody. Even according to the learned Additional Public Prosecutor, the petitioner is not involved in similar offence and he is not having 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.8 subject to the following conditions.

- i. The petitioner/accused No.8 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 I Additional Junior Civil Judge-cum-XII Additional Metropolitan Magistrate, Medchal Malkajgiri District at Kukatpally.
- ii. The petitioner/accused No.8 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/accused No.8 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.8 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.

K. SUJANA, J

Date:20.08.2025

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