

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.10591 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 Crime No.129 of 2025 of Abids Road Police Station, Hyderabad, registered for the offences punishable under Section 8(C), 20(b)(ii)(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 20.05.2025, on receipt of credible information, the Police apprehended the petitioner along with others and seized 21.732 kgs. of ganja. Basing on the same, present crime was registered.

3. Heard Sri Mohd. Hamed, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner has not committed the alleged offence and he was falsely implicated in the said crime only on the ground that he was travelling in the crime vehicle along with the other accused. Even according to the prosecution, the alleged contraband was seized from the possession of the other accused. He further submitted that the petitioner was arrested on 20.05.2025 and since more than 70 days, he is in judicial custody and he is not having criminal antecedents. He further submitted that entire investigation is completed, except filing of charge sheet. He further submitted that the petitioner is ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court. Therefore, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

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 21.732 kgs. of ganja was seized from possession of the petitioner and other accused, which is a commercial quantity and the investigation is under progress

and if the petitioner is released on bail at this stage, he may commit the similar offence, tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

6. In the light of the submissions made by both the learned counsel and a perusal of the material available on record, it reveals that the only allegation leveled against the petitioner is that he was travelling in the crime vehicle along with other accused and the petitioner was arrested on 20.05.2025 and since more than 70 days he is in judicial custody. Even according to the learned Additional Public Prosecutor, 5 witnesses were already examined and 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 shall execute a personal bond for a sum of Rs.30,000/-(Rupees thirty thousand only) with two sureties for a like sum each to

the satisfaction of the II Additional Chief Judicial Magistrate, Nampally, Hyderabad.

- ii. After release, the petitioner shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of eight (8) 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 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 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, if any pending, shall also stand closed.

Date: 25.08.2025
SAI

K. SUJANA, J

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