

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.11211 of 2025

ORDER:

Seeking the Court to enlarge the petitioner who are arrayed as accused No.1 in Crime No.617 of 2025 of Vanasthalipuram Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 8(C) read with 20(b)(ii)(A) and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 06.05.2025, on credible information, the police conducted a raid and seized 30 grams of ganja from the possession of Accused Nos. 2 and 3. Upon interrogation, both accused confessed that they had purchased the contraband from Accused No.1, who is the petitioner in this case. Based solely on their confession, the petitioner was arrayed as Accused No.1. Subsequently, all the accused were arrested and a case was registered against them for the above said offences.

3. Heard Sri Avinash Singh, learned counsel appearing on behalf of the petitioner as well as Sri Arun Kumar Doddla, learned

Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and that the contraband seized was recovered from the possession of Accused Nos.2 and 3, not from the petitioner and that the quantity involved is small and that the Investigating Officer had served a notice under Section 35(3) of the BNSS to Accused Nos.2 and 3 and that all material witnesses have been examined, and therefore, continued detention of the petitioner is unwarranted. He further submitted that the petitioner has been in judicial custody since 11.08.2025, which has caused undue hardship to his family. Therefore, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner, contending that the petitioner is a habitual offender involved in similar offences since 2016 and that the petitioner has been implicated in ten other cases of a similar nature and continues to engage in the same unlawful activity. He further contended that the investigation is not yet completed, and if he is enlarged on bail, at this stage, he may continue with the same

again, as such granting bail to the petitioner does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. Considering the submissions of both learned counsel and upon perusal of the material available on record, it is observed that although there are ten other similar cases registered against the petitioner, in the present case, the contraband was not recovered from his possession and that the petitioner has been implicated solely on the basis of the confessional statements of Accused Nos.2 and 3. Furthermore, the quantity of ganja seized falls under the category of "small quantity" as defined under the NDPS Act and that the petitioner has been in judicial custody since 11.08.2025, and the material part of the investigation appears to have been completed. In view of these circumstances, this Court finds it appropriate to grant bail to the petitioner, subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties for a like sum each to the satisfaction of the learned VII Additional Metropolitan Magistrate, Hayathnagar, Ranga Reddy District.

- ii. The petitioner shall appear before the concerned SHO at 11:00 A.M., on every Monday for a period of eight (8) week 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 his favour.
 - iv. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).
7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 04.09.2025
SS

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