

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.11964 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused No.5 in Crime No.210 of 2025 before the Musheerabad Police Station, Hyderabad.

2. The brief facts of the case are that on 26.07.2025 at about 17:30 hours, the Sub-Inspector of Police, P.S. Musheerabad, Hyderabad, while on patrol duty near Ek Minar Masjid, apprehended A1 to A4 and seized 4.5 kgs of ganja from their possession. During investigation, the confession of A1 and A2 allegedly disclosed the involvement of the petitioner/A5 along with A6.

3. Heard Sri C. Vidyasagar Rao, learned counsel appearing on behalf of the petitioner as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing on behalf of the respondent – State.

4. Learned counsel for the petitioner submitted that no overt act was attributed against the petitioner, and his implication was based only on the confession of co-accused, which had no evidentiary value. He contended that the petitioner, a 19-year-old B.Tech student with no criminal antecedents, was falsely implicated, and his continued custody would harm his education and future prospects. It was further submitted that the alleged recovery was of intermediate quantity, hence Section 37 of the NDPS Act did not apply, and that the petitioner was ready to abide by any conditions imposed by the Court, furnish sureties, and cooperate with the investigation. Therefore, he prayed the Court to grant pre-arrest 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 stating that the petitioner is a drug peddler. He further submitted that the investigation is in progress. Hence, he prayed the Court to dismiss the criminal petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the limited grievance of learned counsel for the petitioner is that the petitioner was falsely implicated in the case solely basing on the confession made by co-accused in whose possession contraband was seized and that petitioner is no way concerned with the offence punishable under Sections 8 (c) read with 20(b)(ii)(B) read with 27(b) of NDPS Act, as no contraband was seized from his possession, whereas, it is the specific stand of learned Additional Public Prosecutor that petitioner is actively involved with other accused in his illegal activities.

7. At this stage, it is pertinent to observe that the Courts exercise caution while dealing with anticipatory bail petitions in NDPS cases due to the serious nature of these offences. Granting anticipatory bail in regular manner may hamper the investigation, allow the accused to abscond, and undermine public interest in preventing and controlling these offences.

8. The Hon'ble Supreme Court has consistently held that anticipatory bail should not be granted in NDPS cases as a

matter of routine, as the same may hamper the investigation and enable the accused to destroy evidence. Further, in the case of **Anarul SK v. State of West Bengal**¹ the Hon'ble Supreme Court observed that grant of anticipatory bail in cases involving NDPS is a very serious issue.

9. In light of the above discussion, this Court is of the opinion that the grant of pre-arrest bail at a stage when the investigation is still in progress, may impede the investigative process and potentially prejudice the case of the prosecution, as such, there are no merits in this criminal petition to grant pre-arrest bail to the petitioner and the same is liable to be dismissed.

10. Accordingly, this Criminal Petition is dismissed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 24.09.2025
SAI

¹ Petition for Special Leave to Appeal (Crl.)No.12621/2024 dated 19.09.2024

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