

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.12457 OF 2025

ORDER :

This criminal petition is filed under Section 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner/A.2 seeking his enlargement on bail in connection with Crime No.872 of 2025 of Hayathnagar Police Station, Ranga Reddy District. The offences alleged against the petitioner are under Section 8(C) r/w.20 (b)(ii)(C) and Section 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act')

2. The case of the prosecution is that on 20.06.2025 at 10.00 hours, on credible information that some persons were illegally transporting Ganja in Force Cruiser bearing No.MD 20 CH 5017 from Malkangiri District, Odisha to Maharashtra via Khammam, Suryapet and Hyderabad, the S.I of police along with his team went to Danunjaya Garden, at about 12.50 hours, the police intercepted the said vehicle and four persons were present in the said vehicle. On questioning they failed to produce valid documents or authorization for carrying Ganja and confessed that they were transporting Ganja from Odisha to Maharashtra for illegal sale. The police found 83 brown tape-wrapped packets which contain dry green leaves, buds and

flowers emitting pungent smell of Ganja. As such, the same was seized from the possession of accused in the presence of panchas under the cover of panchanama. Hence, a case was registered against the accused for the above offences.

3. Heard Sri P. Manoj Kumar, learned counsel for the petitioner and Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for the respondent-State.

4. The contention of learned counsel for the petitioner is that petitioner is innocent of the alleged offence and he was falsely implicated in this case. The petitioner is a Central Government employee, he is in jail from 20.06.2025 and he is ready to cooperate with the investigation and undertakes to abide by any conditions that may be imposed by this Court. Hence, prayed this Court to grant bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed bail on the ground that the quantity involved in this case is commercial quantity and in view of rigor of Section 37 of NDPS Act, petitioner is not entitled for bail and requested this Court to dismiss this petition.

6. Considering the submissions made by the respective counsel and the material placed on record, the petitioner herein

along with other accused are in possession of 169 kgs of ganja which is a commercial quantity. Though petitioner is in jail from 20.06.2025, it is not a ground to grant bail to the petitioner. At this stage, it is pertinent to note Section 37 of the NDPS Act, and the same reads as under :

“37. Offences to be cognizable and non-bailable.

-- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),--

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 1[offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless--

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.”

7. In view thereof, Section 37 of the NDPS Act mandates that offences involving commercial quantities be non-bailable,

requiring reasonable grounds to believe that the accused is not guilty and unlikely to commit further offences while on bail. In the facts and circumstances of the case on hand, this Court is not satisfied that conditions for granting bail under Section 37 are met. Therefore, the Criminal Petition lacks merit and the same is liable to be dismissed.

8. Accordingly, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending shall stand closed.

Date :15.10.2025
Rds

K. SUJANA, J

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