

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.12929 of 2025

ORDER:

This Criminal Petition is filed seeking the Court to enlarge the petitioner, on bail, who is arrayed as accused in COR.No.88 of 2025 of Prohibition and Excise Police Station, Andole.

2. The brief facts of the case are that on 04.09.2025 at about 3:30 p.m., the Prohibition and Excise Sub-Inspector, Andole, conducted a raid in an agricultural land situated in Sy.No.112/ru/1 of Darakasthupally Village, Watpally Mandal, and allegedly found 89 ganja plants, out of which 49 were of 5 feet height and 40 were of 4 feet height. The said plants were uprooted, and basing on the panchanama, a case was registered against the petitioner for cultivating ganja.

3. Heard Sri Palle Sriharinath, 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 the petitioner was innocent and falsely implicated in the case, as he was not the owner of the said land and had no connection with the alleged cultivation. He further submitted that there was no clear identification of the land or proof linking the petitioner to the alleged plantation, and the panchanama did not mention the land boundaries or ownership. He contended that the Excise officials failed to comply with Section 52-A of the NDPS Act while destroying the seized contraband. 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 stating that the allegations leveled against the petitioner are serious in nature. Hence, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and upon a perusal of the material available on record, it appears that the petitioner has been in judicial custody since 04.09.2025. As seen from the record, 89 ganja plants were seized from the land of the petitioner, out of which

49 plants were about 5 feet in height and 40 plants were about 4 feet in height. However, the Investigating Officer has not stated in the seizure report whether the seized material constitutes a commercial quantity or an intermediate quantity. There is no such information available in the seizure report. It is further submitted by the learned Additional Public Prosecutor, on instructions, that each leaf contains 5 to 7 leaflets and the total approximate weight is around 8 kilograms, which amounts to an intermediate quantity. Considering the facts and circumstances of the case and the period of incarceration of the petitioner, this Court deems it just and proper to grant bail to the petitioner, subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties for a like sum each to the satisfaction of the learned I Additional District and Sessions Judge, Sangareddy 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. 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: 24.10.2025

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