

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13161 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.3 seeking his enlargement on bail in connection with C.O.R.No.No.54 of 2025 of Prohibition & Excise Station, Medchal Malkajgiri District. The offences alleged against the petitioner are under Section 8(c) r/w.22(c) and 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act')

2. The case of the prosecution is that on 20.06.2025 on reliable information about sale of MDMA, the Excise Sub-Inspector proceeded to premises bearing D.No.29-1442/149, Sri Sai Nagar, Neredmet Village, Malkajgiri, conducted search and found 22.10 grams of MDMA, 6.60 grams of OG, one vehicle and mobile phones, recovered the same under cover of panchanama and registered the case against the accused for the above offences.

3. Heard Smt. A.V.S. Laxmi, 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 the investigating officer has not followed the procedure while seizing the material and there are many violations in the procedure. The petitioner is in jail from 20.06.2025. Petitioner is innocent of the said allegations. In fact he was at his house at the time of arrest and he was taken from his house. The C.C. TV footage also shows the same. Petitioner never involved in the alleged offence. 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 both the counsel and the material on record, the petitioner is in jail from 20.06.2025 and as seen from the record, charge sheet is not yet filed. Considering the period of incarceration of petitioner in jail, this Court deems it fit to grant bail to the petitioner subject to the following conditions:

- i. The petitioner/A.3 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 I-Additional AJCJ-cum-I Additional Judicial Magistrate of First Class Court at Kushaiguda, Malkajgiri/Prohibition and Excise Station, Medchal-Malkajgiri District.

- ii. The petitioner/A.3 shall appear before the concerned SHO at 11:00 a.m., on every Wednesday for a period of eight (8) weeks, for the purpose of investigation and thereafter, as and when required.
- iii. The petitioner/A.3 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 petitions, if any, pending shall stand closed.

K. SUJANA, J

Date :17.10.2025
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