

THE HONOURABLE SMT JUSTICE K. SUJANA
CRIMINAL PETITION NO.13195 OF 2025

ORDER:

This criminal petition is filed by the petitioner/accused No.3 seeking anticipatory bail in connection with crime/COR No.82 of 2025 on the file of the Prohibition and Excise Police Station, Dhoolpet, Hyderabad, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) of NDPS Act.

2. The case of the prosecution revolves around the alleged involvement of accused persons, including the petitioner, in illegal possession of 1.098 kgs of ganja. Initially, the accused Nos.1 and 2 were apprehended, later, basing on their confession, the petitioner was arrayed as accused No.3 in the case for the offences as alleged.

3. Heard Sri Avinash Singh, learned counsel for the petitioner and Sri D.Arun Kumar, learned Additional Public Prosecutor appearing on behalf of respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offense and was falsely implicated in the case, without any other material connecting him to the offence. He contended that petitioner has no connection with the seizure of illegal ganja. Therefore, he prayed the Court to grant the relief of anticipatory 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 investigation is in progress and if the petitioner is released on bail at this stage, he may tamper with the evidence. Therefore, he prayed the Court to dismiss the criminal petition.

6. Having regard to the rival submissions made, and on perusing the material available on record, it is noted that the contention of the petitioner is that the case against the petitioner is false, fictitious, and fabricated, whereas, it is the specific stand of learned Additional Public Prosecutor that the matter requires investigation, as such, the petitioner cannot be given the relief of anticipatory bail.

7. At this stage, it is pertinent to observe that the Hon'ble Supreme Court has time and again held that the Courts shall 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. 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.

8. 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. However, considering the facts and

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

circumstances of the case, this Court deems it fit to direct the petitioner to surrender before the Court of I Additional Sessions Judge, Hyderabad, and file a petition seeking regular bail, and on filing of such petition before the trial Court, the trial Court is directed to consider the same in a period of one (1) week from the date of filing of such petition and pass appropriate orders in accordance with law.

9. With the above directions, this Criminal Petition is disposed of.

Miscellaneous petitions, pending, if any, shall stand closed.

K. SUJANA, J

Date :17.10.2025
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