

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13386 OF 2025

ORDER :

This criminal petition is filed under Section 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner/A.1 seeking his enlargement on bail in connection with Crime No.02 of 2025 of Rachakonda Narcotics Police Station, TG Anti-Narcotics Bureau. The offences alleged against the petitioner are under Sections 8(C), 22 (c), 20(b)(ii)(A) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The facts of the case are that on 02.07.2024 the police received a credible information that one person aged about 22-27 is coming near Uppal Cricket Stadium parking place at Masjid to deliver OG Kush Weed and Ecstasy Pills to his customer. At about 13.15 hours when the suspected persons arrived near parking place of Uppal Stadium carrying a small bag and a peddler also arrived. One person took out one packet and gave it to the other person who put it into the bag, meanwhile, the police approached them and on repeated questioning, the accused Mohith confessed that he is having OG Kush Weed and Ecstasy Pills in the bag carrying by him which was handed over to him by Swapnil. The police seized 200

grams of OG Kush Weed and 12 grams of Ecstasy Pills from the accused. Hence, complaint was lodged and basing on the said complaint police registered the case against the accused.

3. Heard Sri Nageshwarrao Pujari, 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 falsely implicated in this case, the police have not followed the provisions under Section 42(1) of NDPS Act, wherein it stipulates that on receipt of credible information by the investigating officer, the same should be reduced into writing, as such, the search is illegal. He further contended that petitioner was not in possession of any contraband as alleged by the prosecution and the provisions under section 50 of NDPS are also not followed. The confession statements made before the panchas are inadmissible in evidence. Further, petitioner is not a peddler and he is shown as customer. In the remand report there is no clarity about the role of petitioner. The petitioner is in judicial custody since 02.07.2025. Hence, prayed to grant bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed bail on the ground that petitioner herein is having contacts with drug peddlers and the seized contraband is commercial quantity. In view of rigor of Section 37 of NDPS Act, petitioner is not entitled for bail and prayed to dismiss this petition.

6. Considering the submissions made by the respective counsel and the material on record, the seized contraband in this case is 200 grams of OG Kush Weed which is intermediate quantity and 12 grams of Ecstasy Pills which is commercial quantity. The commercial quantity of Ecstasy Pills is 10 grams. Further petitioner is in jail from 02.07.2025 and as seen from the record, charge sheet is not filed and no other cases are pending against the petitioner. Considering the period of incarceration of petitioner in jail and also the seized contraband, this Court deems it fit to grant bail to the petitioner subject to the following conditions :

- i. The petitioner/A.1 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 Special Judicial First Class (Excise) Magistrate-cum-V-Additional Metropolitan Magistrate-cum-V-Additional Junior Civil Judge, Ranga Reddy District at L.B.Nagar.

- ii. The petitioner/A.1 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.1 shall abide by the conditions stipulated in Section 483(2) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous petitions, if any, pending shall stand closed.

K. SUJANA, J

Date :31.10.2025
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THE HON'BLE SMT. JUSTICE K. SUJANA

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