

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13737 of 2025

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.2 in COR.No.108 of 2025 of Prohibition and Excise Station, Balanagar, Medchal-Malkajgiri District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 23.07.2025, the DTF Medical team along with panchas conducted a route watch near KPHB Metro Station and allegedly seized 149 grams of Alprazolam, a weighing machine, and a mobile phone from the possession of the petitioner, and registered the case in Crime No.108 of 2025 under Section 8(c) r/w 22(c) of the NDPS Act.

3. Heard Sri K. Ravi Kanth, 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 falsely implicated and had no connection with

the alleged seizure, while the mandatory provisions under Sections 42, 50, and 52-A of the NDPS Act were not complied with. He further submitted that the confession before the excise officials was inadmissible in view of **Tofan Singh v. State of Tamil Nadu**, and that continued detention of a senior citizen with serious health issues amounted to pre-trial punishment. He further submitted that investigation was almost completed, there was no risk of absconding. 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 petitioner is drug peddler. He further submitted that the investigation is in progress and if the petitioner is released on bail, at this stage, he may tamper with the evidence and may threaten the witnesses. Hence, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both learned counsel and upon perusal of the material available on record, it appears that the petitioner has been in custody since 23.07.2025. The record further shows that the material part

of the investigation has been completed, and the remand report indicates that it was not a case of conscious possession. Considering the facts and circumstances of the case, the age of the petitioner, and the period of incarceration, this Court deems it fit 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) each, with two sureties for a like sum each to the satisfaction of the learned II Additional Junior Civil Judge-cum-XIII Additional Judicial Magistrate of First Class at Kukatpally, Medchal-Malkajgiri 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: 31.10.2025
SS

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.13737 of 2025

Date: 31.10.2025

SS