

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13736 OF 2025

ORDER :

This criminal petition is filed under Section 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners/accused Nos.1 and 2 seeking their enlargement on bail in connection with C.O.R.No.No.113 of 2025 of Prohibition & Excise Station, Bhadrachalam. The offences alleged against the petitioners are under Section 8(c) read with 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act')

2. The case of the prosecution is that on 09.05.2025 on reliable information regarding illegal possession and transportation of dry ganja, the police conducted vehicle checking and found the petitioners in possession of 67.750 kilograms of dry ganja and recovered the same under cover of panchanama and registered the case against the accused for the above offences.

3. Heard Sri B. Muralidhar, learned counsel for the petitioners and Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for the respondent-State.

4. The contention of learned counsel for the petitioners is that the petitioners are innocent of the said allegations and the investigating officer has not followed the procedure while seizing the material and that the petitioners are in jail from 09.05.2025 i.e., for the last 175 days. No charge sheet is filed till date and the material part of investigation is already completed. Hence, prayed this Court to grant bail to the petitioners.

5. On the other hand, learned Additional Public Prosecutor opposed bail on the ground 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 and that the quantity involved in this case is commercial quantity and in view of rigor of Section 37 of NDPS Act, petitioners are not entitled for bail and requested this Court to dismiss this petition.

6. Considering the submissions made by both the learned counsel and the material on record, the petitioners are in jail from 09.05.2025 and as seen from the record, charge sheet is not yet filed. Considering the period of incarceration of petitioners in jail, this Court deems it fit to grant bail to the petitioners subject to the following conditions:

- i. The petitioners/accused Nos.1 and 2 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 Judicial First Class Magistrate at Bhadrachalam.
 - ii. The petitioners/accused Nos.1 and 2 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 petitioners/accused Nos.1 and 2 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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