

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13941 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/accused seeking bail in Crime No.186 of 2025 of Neradigonda Police Station, Adilabad District registered for the offence punishable under Section 8(b) read with 20(a)(i) of the Narcotic Drugs And Psychotropic Substances, Act, 1985 (for short 'NDPS Act').

2. The brief facts of the case are that, on 30.08.2025, on reliable information regarding the illegal cultivation of ganja, the complainant conducted an inspection during which he found the petitioner, along with other accused, engaged in the illegal cultivation of ganja. A total of 57 ganja plants were found at the site and the same was seized. Consequently, the accused were arrested, and a criminal case was registered against them for abovementioned offences.

3. Heard Sri Yadu Krishna Sainath, learned counsel appearing on behalf of the petitioner as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for respondent - State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent of the said allegations and has been in judicial custody since his arrest on 30.08.2025 and that, even as per the case of the prosecution, only 57 ganja plants were seized, which does not exceed the threshold of intermediate quantity under the NDPS Act. He further submitted that the investigation has been completed except for the filing of the charge sheet, and the petitioner has no prior criminal antecedents. Therefore, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, the learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner, stating that the contraband involved 57 ganja plants, constitutes a commercial quantity and 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. In view of the rigor

of Section 37 of the NDPS Act, the petitioner is not entitled to the grant of bail. Hence, he prayed the Court to dismiss the criminal petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it is observed that the petitioner was arrested on 30.08.2025 and have been in judicial custody since then and Notably, as per the submissions of the learned Additional Public Prosecutor, the remand and seizure reports do not specify the weight of the contraband. The petitioner is not involved in any similar offences and has no criminal antecedents. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant bail in favour of 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) with two sureties for a like sum each to the satisfaction of the learned Judicial First Class Magistrate at Boath, Adilabad District.

- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m. on every Monday for a period of four (4) weeks 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 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

K. SUJANA, J

Date: 06.11.2025
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