

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14431 of 2025

ORDER:

This Criminal Petition is filed seeking the Court to enlarge the petitioner, on bail, who is arrayed as accused No.1 in Crime No.76 of 2025 of Sirikonda Police Station, Adilabad District.

2. The brief facts of the case are that on 09.09.2025, the Sub-Inspector of Police, Ichoda 1/c Sirikonda, reported receiving credible information from the ASP, Utnoor, regarding alleged illegal ganja cultivation in the agricultural land of one Sidam Mahadu at Narayanpur village. Basing on said instructions, the police team, along with officials from the MRO, FRO, and the AEO, visited the field and allegedly identified and seized 66 ganja plants cultivated amidst maize crops. The police claimed that the petitioner, who was present at the spot, was apprehended and purportedly confessed to cultivating ganja in his brother's land without his knowledge.

3. Heard Sri Naraparaju Avaneesh, 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 innocent and falsely implicated, and that the allegations of cultivating ganja were baseless and unsupported by any independent witnesses and that the petitioner neither owned nor cultivated the land and that the police failed to produce any material connecting him to the alleged offence, apart from an inadmissible police-recorded confession. He further submitted that mere possession of ganja plants did not establish cultivation, relied on relevant case law, emphasized the petitioner's clean antecedents, and contended that the twin conditions under Section 37 NDPS Act stood satisfied. He contended that continued detention would cause hardship to the petitioner's family. 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 a 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 the learned counsel and upon a perusal of the material available on record, it appears that the petitioner has been in judicial custody since 09.09.2025. As seen from the record, 66 ganja plants were seized from the land of the petitioner, and they were about 1 to 2 feet in height. However, the Investigating Officer has not stated in the seizure report whether the seized material constitutes a commercial quantity or an intermediate quantity. There is no such information available in the seizure report. It is further submitted by the learned Additional Public Prosecutor, on instructions, that each leaf contains 5 to 7 leaflets and the total approximate weight is around 8 kilograms, which amounts to an intermediate quantity. Considering the facts and circumstances of the case and the period of incarceration of the petitioner, this Court deems it just and proper 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), with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Boath.
- 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: 21.11.2025
SAI

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.14431 of 2025

Date: 21.11.2025

sai