

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.15750 of 2025

23rd DAY OF DECEMBER 2025

Between:

Md.Afsar.

PETITIONER

The State of Telangana,
Rep by Public Prosecutor,
High Court for the State of
Telangana, at Hyderabad
And another.

RESPONDENTS

ORDER

This Criminal Petition is filed before this Court for grant of pre-arrest bail to the petitioner who is arrayed as accused in FIR.No.217 of 2025 before the Nizamabad V TN Police Station, Nizamabad District, registered for the offences punishable under Sections 318(4), 111(1) of BNS, and Sections 3 and 7 of ECA.

2. The prosecution case is that on 11.11.2025 at 11.00 hours, the de-facto complainant/Deputy Tahsildar (CS), Nizamabad lodged a complaint with the police stating that, upon receipt of credible information regarding illegal dumping of PDS rice at the Ice Factory, Hasmi Colony, Nizamabad, he along with police officials proceeded to the premises and found several plastic bags of PDS rice stored therein. Panch witnesses were secured, samples were taken, and a seizure panchanama was conducted. In total, 13 bags weighing 8.0 quintals (800 kgs) valued at Rs.20,800/- were seized and shifted to M/s. AM Agro Industries, Nagaram, Nizamabad for safe custody. The complainant further stated that on 05.09.2025, PDS rice was seized at the same premises in connection with Crime No.179/2025 involving Md. Afsar (petitioner herein), who was suspected to be indulging in clandestine business. Based on the complaint, the present crime was registered for offences punishable under Section 318(4), Section 111(1) BNS, and Sections 3 & 7 of the Essential Commodities Act.

3. Heard Sri G.Raghu, learned counsel for petitioner, and 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 has been falsely implicated in the present crime. He contended that it is evident from the complaint itself that the petitioner was not present at the alleged place of offence, and his involvement is only suspected on the basis of earlier proceedings which have already been quashed by this Court in CRLP No.15374 of 2025 dated 24.11.2025. He averred that the complaint does not disclose ownership of the Ice Factory or any evidence linking the petitioner to the storage of rice. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this Criminal Petition.

5. Learned Additional Public Prosecutor opposed the bail petition contending that the petitioner has a history of involvement in similar offences relating to diversion of PDS rice. He contended that the seizure of rice from the same premises where earlier contraband was found creates a strong suspicion of the petitioner's continued illegal activity. He emphasized that the offences alleged are serious in nature, affecting public distribution system and thereby the interests of the poor beneficiaries. Therefore, he prayed the Court to dismiss the criminal petition.

6. Having regard to the facts and circumstances of the case, it is noted that except for the offence under Section 111(1) BNS, all other offences alleged are punishable with imprisonment for less than seven years. Further, though two other crimes were registered against the petitioner, the same were quashed by this Court, and in three other crimes the investigating agency has not filed charge sheets so as to attract Section 111(1) BNS., therefore, this Court deems it fit to grant pre-arrest bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Nizamabad V TN Police Station, Nizamabad District, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.

- iii. The petitioner shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 23.12.2025
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