

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5941 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner, who is arrayed as accused No.4, seeking bail in Crime No.132 of 2024 of Begum Bazar Police Station, Hyderabad, registered for the offences punishable under Sections 8 (c) read with 20 (b)(ii)(c), 27 and 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'the NDPS Act') and Section 128 of the Motor Vehicles Act, 1988.

2. The case of prosecution, in brief, is that on 03.07.2024 at about 12.40 hours, near bada Bheemrao on the MJ Market, Nampally main road, Begum Bazar, Hyderabad, accused Nos.1 to 3 were transporting 325 grams of Hash Oil in a bike dickey (Access-125 bearing No.AP 09CJ 4819). During the course of investigation, the name of the accused No.4 came into light and arrested on 09.03.2025. Therefore, a case was registered in Crime No.132 of 2024 against the petitioner for the offence punishable under Sections 8 (c) read with 20 (b)(ii)(c), 27 and 29 of NDPS Act.

3. Heard Mr.K.Sai Babu, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in the present crime basing on the confession statement given by the other accused. He further submitted that alleged contraband namely 1250 grams of Hash oil was seized from the other accused. He further submitted that accused Nos.1 to 3 were also arrested and they were enlarged on bail. The petitioner was arrested on 09.03.2025, since then he was in judicial custody. The entire investigation is completed, except filing of the additional charge sheet against the petitioner. The investigating officer has already filed charge sheet against accused Nos.1 to 3. He further submitted that the petitioner is not having any criminal antecedents and he is not involved in similar offence under the provisions of the NDPS Act and he is ready to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court, and hence, prayed for grant of bail.

5. *Per Contra*, the learned Additional Public Prosecutor submitted that the petitioner had committed grave offence under the provisions of

the NDPS Act and the investigation is under progress and accused No.5 is absconding. Therefore, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the alleged contraband was seized from accused Nos.1 and 2 and the petitioner was arrested on 09.03.2025. The only allegation leveled against the petitioner/accused No.4 is that he supplied contraband in favour of accused Nos. 1 and 2. However, the contraband was seized from accused Nos. 1 and 2. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents and not committed similar offence under the provisions of the NDPS Act.

7. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.4 subject to the following conditions:

- (i) The petitioner/accused No.4 is enlarged on bail on his executing 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 XVII Additional Judicial Magistrate, Nampally, at Hyderabad.

- (ii) The petitioner/accused No.4 shall appear before the concerned S.H.O. at 11.00 A.M. on every Sunday, for a period of eight (8) weeks or till filing of the charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- (iii) After release, if the petitioner/accused No.4 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.
- (iv) The petitioner/accused No.4 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.

J.SREENIVAS RAO, J

Date: 01.05.2025

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