

THE HON'BLE SRI JUSTICE K.SARATH

CRIMINAL PETITION No.6657 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.34 in Crime No.117 of 2025 on the file of P.S. Nallakunta, Hyberabad District, registered for the offences punishable under Section 8(c) r/w 20(b)(ii)(B), r/w 22 (c), r/w 27(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. Heard learned counsel for the petitioner/Accused No.34 and learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on receiving credible information, the Sub-Inspector of Police, P.S. Nallakuta apprehended the petitioner/accused No.34 on 28.04.2025 as the petitioner along with other two persons was found in possession of some incriminating

substances, money and mobiles at Mother Dairy Park, Nallakunta. Basing on the said complaint, the Station House Officer, Police Station Nallakunta registered a case in Crime No.117 of 2025, dated 29.04.2025 and took up the investigation. During the course of investigation and basing on the alleged confessional statements of the previously arrested accused, the Police apprehended the petitioner/accused No.34 on 05.05.2025 with an allegation that he is consumer and provided shelter to the main peddler i.e., Accused No.3.

4. Learned counsel for the petitioner/Accused No.34 further submits that the petitioner/Accused No.34 has not committed alleged offence and he was falsely implicated in the said crime. He submits that the remand case diary dated 05.05.2025 does not reveal any material evidence against the petitioner except aiding the accused No.3 who is already in the judicial custody and the said issue is a triable one to prove whether the same is true or not.

5. Learned counsel for the petitioner/Accused No.34 further submits that as per the remand diary, the investigating agency has examined LW-1 to LW-15 and the entire investigation is completed. He further submits that the petitioner is not having any other criminal antecedents and he is ready and willing to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

6. *Per contra*, learned Additional Public Prosecutor submits that petitioner/Accused No.34 has committed grave offence under the provisions of NDPS Act and the petitioner along with other two persons was found in possession of some incriminating substances, money and mobiles. Hence, the petitioner is not entitled for grant of bail.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 05.05.2025 and since more than 23 days

he is in judicial custody. Even according to the learned Additional Public Prosecutor, as many as witnesses i.e., LW.Nos.1 to 15 including the investigating officer were already examined. It is noteworthy that charge sheet is not filed till date. Hence, considering the incarceration period, this Court is inclined to grant bail to the petitioner/Accused No.34 subject to the following conditions:

- i. The petitioner/Accused No.34 shall be released on bail on his executing a personal bond for a sum of Rs.50,000/-(Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the IV Additional Chief Judicial Magistrate, Hyderabad at Nampally.
- ii. After release, the petitioner/Accused No.34 shall appear before the SHO, Nallakunta, Hyberabad District in Crime No.117 of 2025 on every Saturday between 11 AM and 12 Noon upto eight (8) weeks or till filing of the charge sheet, whichever is earlier.
- iii. The petitioner/Accused No.34 shall abide by the other conditions stipulated in Section

480(3) of BNSS and shall cooperate with the investigation.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE K.SARATH

Date: 28.05.2025
BB/PSS