

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 9472 OF 2025

Between:

PRIYATAMA BARDHAN @ PRIYA, D/o. ANARSINGH BARDHAN, Aged about 31 years, Occ. Housekeeping, R/o. H. No. 1, Siliput Village, Therubali Post, Rayagada District, Odisha State.

...PETITIONER/ACCUSED NO.5

AND

The State of Telangana, represented by its P.P., P.S. Gopalapuram, High Court of Telangana, Hyderabad.

...RESPONDENT/COMPLAINANT

Petition under Section 480 & 483 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the Petitioner on regular bail in connection with in crime No. 74/2025 (P.S. GOPALAPURAM), in the Court of the X Additional Chief Metropolitan Magistrate, at Secunderabad

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri ANURADHA CHALLA, Advocate for the Petitioner, and SRI SYED YASAR MAMOON, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Sole Respondent

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.9472 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') by the petitioner for grant of regular bail in connection with Crime No.74 of 2025 of Gopalapuram Police Station, Hyderabad, registered for the offences punishable under Sections 8(c),r/w 20(b)(ii)(C), 25, 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution in brief is that on 17.04.2025 about 09:20 hours, at room No. 104 of Sri Lakshmi Lodge, Regimental Bazar, Secunderabad Railway Station, the petitioner along with other accused was found in possession of 58 Kgs of Ganja in the above said lodge. Basing on the same, the above crime was registered.

3. Heard Ms. Anuradha Challa, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner has not committed alleged offence and she was falsely implicated in

the said crime. She further submitted that the police without following mandatory procedure under the provisions of the NDPS Act have conducted the search and seized the contraband. The petitioner was arrested on 17.04.2025, since then she was in judicial custody. She further submitted that petitioner is not having any criminal antecedents and entire investigation is completed, except filing of charge sheet and the petitioner 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.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner had committed grave offence under the provisions of NDPS Act and the police seized the contraband namely 58 Kgs of dry ganja from the possession of the petitioner and other accused, which is in commercial quantity. He further submitted that the investigation is under progress. At this stage, if the petitioner is enlarged on bail she will commit the very same offence and she will interfere with the investigation and also influence the witnesses. Hence, the petitioner is not entitled for grant of bail at this stage.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that the police seized the contraband namely 58 Kgs. of dry

ganja, which is a commercial quantity. As per the provisions of the NDPS Act 1 kg. is small quantity and 20 kgs. is commercial quantity. Even according to the learned Additional Public Prosecutor, the investigation is under progress. At this stage, it is relevant to note Section 37 of the NDPS Act, which reads as under:

“37. Offences to be cognizable and non-bailable. –

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),--(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 1[offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless--

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.”

7. In view thereof, Section 37 of the NDPS Act mandates that offences involving commercial quantities be non-bailable, requiring reasonable grounds to believe the accused is not guilty and

unlikely to commit further offences while on bail. Hence, since the allegations levelled against the petitioner are serious in nature, this Court is not satisfied that conditions for granting bail under Section 37 of the NDPS Act are met.

8. Taking into consideration of the above stated facts and circumstances of the case and also the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the Criminal petition is dismissed.

Miscellaneous applications, pending if any, shall stand closed.

SD/- M.NAGAMANI
ASSISTANT REGISTRAR

6

//TRUE COPY//

SECTION OFFICER

To,

1. The X Additional Chief Metropolitan Magistrate, at Secunderabad, Hyderabad District
2. The Station House Officer, Gopalapuram Police Station, Gopalapuram, Hyderabad District
3. One CC to SRI ANURADHA CHALLA Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. **Two CD Copies**

VM/gh



HIGH COURT

DATED: 04/08/2025

ORDER

CRLP.No.9472 of 2025



DISMISSING THE CRIMINAL PETITION

8
Asu
21/11/25