

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**MONDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 13801 OF 2025

Between:

Sagar Pawar @ Sagar, S/o Premkumar Pawar, Aged about 23 years, Occ.
Lorry Driver, R/o Madbol Tanda, Sedam Road, Gulbarga District, Karnataka
State.

...PETITIONER/ACCUSED No.4

AND

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

...RESPONDENT/COMPLAINANT

Petition under Section 482 and 483 of BNSS praying that in the
circumstances stated in the Memorandum of Grounds of Criminal Petition, the
High Court may be pleased to grant bail to the Petitioner/Accused No. 4 in Crime
No. 617/2025 of P.S Dundigal, Cyberabad Commissionerate, registered for the
offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 29 of the NDPS Act,
1985, and pass.

This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of Sri LAMBA SAI
KUMAR, Advocate for the Petitioner and Sri Arun Kumar Dodla, the Additional
Public Prosecutor on behalf of the sole Respondent.

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.13801 of 2025

ORDER:

This Criminal Petition is filed praying this Court to enlarge the petitioner on bail who is arrayed as accused No.4 in Crime No.617 of 2025 before the Dundigal Police Station, Cyberabad Commissionerate, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The brief facts of the case revolve around seizure of total 120 Kgs of Ganja. The petitioner was arrested on 22.06.2025 for the offences as alleged.

3. Heard Sri L.Sai Kumar Yadav, learned counsel for petitioner, and Sri Arun Kumar Doddla, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated. He

contended that the investigation was completed without following due process, causing prejudice to the petitioner. He asserted that in spite of petitioner being no way connected with the alleged offence, he has been languishing in judicial custody. Therefore, prayed this Court to allow this criminal petition, granting the relief of bail to petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the total seized quantity of ganja is 120 kgs which falls under commercial quantity, therefore, averred that the question of granting bail to the petitioner does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the contention of learned counsel for petitioner is that the case against the petitioner is false and fictitious, whereas, the learned Additional Public Prosecutor opposes the petition, citing that seized ganja is commercial quantity. That being so, at this stage, it is pertinent 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. From the above extracted portion, it is clear that 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. Given the serious allegations against the petitioner, this Court is not satisfied that conditions for granting bail under Section 37 are met. That apart, it is pertinent to note that as per the material on record, *prima facie* case is made against the petitioner.

8. In light of the above discussion, this Court is of the opinion that there are no merits in this criminal petition and the same is liable to be dismissed.

9. Accordingly, this Criminal Petition is dismissed.

Miscellaneous applications, if any pending, shall stand closed.

//TRUE COPY//

SD/- V. KAVITHA
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The VIII Addl. Judicial Magistrate of First Class, at Medchal.
2. The Station House Officer, Police Station, Dundigal, Cyberabad Commissionerate.
3. Two CCs to the PUBLIC PROSECUTOR, High Court at Hyderabad. (OUT)
4. One CC to SRI LAMBA SAI KUMAR Advocate [OPUC]
5. Two CD Copies

TPK/PSL

HIGH COURT

DATED:10/11/2025



ORDER

CRLP.No.13801 of 2025

CRIMINAL PETITION IS DISMISSED

8
Asv
2/12/25