

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15332 OF 2025

9th DAY OF DECEMBER 2025

Between :

Poojari Shiva

... Petitioner/A.2

And

The State of Telangana,
Through Public Prosecutor,
High Court at Hyderabad

... Respondent

ORDER :

This Criminal Petition is filed praying this Court to enlarge the petitioner on bail who is arrayed as accused No.2 in Crime No. 508 of 2025 of R.P.S. Secunderabad registered for the offences punishable under Section 8 (c) r/w. Section 20(b) (ii) (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The brief facts of the case are that on 18.09.2025 at about 08.15 hours the S.I of Police along with his staff, RPS

Secunderabad conducted a general checking in trains and on platforms of Secunderabad Railway Station. At about 08.40 hours they found one male person under suspicious circumstances with two bags in general waiting hall on platform No.1. The police approached him and caught hold the petitioner and seized one red colour trolley suitcase and one back pack blue in colour and seized 21.443 kgs of Ganja from the possession of petitioner under a cover of panchanama and a complaint was lodged. Basing on the said complaint, a case was registered against the accused for the above offences.

3. Heard Sri Gulab Singh, 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 of the alleged offences and has been falsely implicated in this case for statistical purpose. The petitioner is the only bread earner of his family and he is having old aged parents who are bed ridden and suffering from ill health and he has to take care of them. The petitioner undertakes to cooperate with the investigation and shall abide by any conditions that may be imposed by this Court.

Petitioner is in jail from 19.09.2025, as such, prayed to grant regular bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the seized quantity of ganja is a huge commercial quantity, therefore, 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 the 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.

K. SUJANA, J

Date: 09.12.2025

Rds

THE HONOURABLE SMT JUSTICE K. SUJANA

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