

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

**THE HONOURABLE SMT. JUSTICE K. SUJANA  
CRIMINAL PETITION Nos.15400 & 16360 OF 2025**

**23.12.2025**

**Crl.P.No.15400 of 2025 :**

**Between :**

Maddu Venkata Krishna

.....Petitioner/A.3

And

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

.....Respondent/complainant

**Crl.P.No.16360 of 2025 :**

**Between :**

Musini Dora Babu

.....Petitioner/A.4

And

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

.....Respondent/complainant

**:COMMON ORDER :**

These criminal petitions are filed praying this Court to  
enlarge the petitioners on bail who are arrayed as accused

Nos.3 and 4 respectively in Crime No.10 of 2025 before the Cyberabad Narcotics Police Station, T.G. Anti Narcotics Bureau, Hyderabad, registered for the offence punishable under Sections 8(c), 9A, 21(c), 25, 25A, 27A and 29 of NDPS Act, 1985.

2. The brief facts of the case are that on 09.10.2025, based on alleged credible information, the Cyberabad Narcotics Police conducted a raid at residential premises at Jeedimetla and apprehended several accused, including the petitioners arrayed as accused Nos.3 and 4. During the raid, nine HDPE bags containing a total of about 225.16 kgs of Ephedrine worth of Rs.72 Crores were allegedly seized and various confessional statements were recorded. It was alleged that the accused had conspired to clandestinely manufacture and store Ephedrine at PNM Life Sciences and were planning to sell the same.

3. Heard Sri R. Prasanth, learned counsel appearing for the petitioner in CrI.P.No.15400 of 2025, Sri S. Ganesh, learned counsel appearing for petitioner in CrI.P.No.16360 of 2025 as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing on behalf of the respondent – State.

4. Learned counsel for the petitioners submitted that the petitioners were falsely implicated and that no contraband was recovered from their conscious or personal possession. It was

contended that mandatory provisions under Sections 41, 42, 50 and 52-A of the NDPS Act were not complied with, rendering the search and seizure illegal, and that the case rested mainly on inadmissible confessional statements. They further submitted that the seized substance was only a controlled substance, as such, bar under Section 37 of the NDPS Act does not attract, and the concept of commercial quantity does not apply to controlled substance in view of the provisions relating to commercial quantity specially Section 2(via) and 2(vid) of the NDPS Act. The substantial part of investigation has been completed except filing of charge sheet as such there is no possibility of tampering with evidence. Therefore, they prayed the Court to grant bail to the petitioners by allowing these Criminal Petitions.

5. On the other hand, learned Additional Public Prosecutor filed counter stating the accused have allegedly conspired and collaborated in a well-organized and highly coordinated illicit narcotics manufacturing operation. The scale of the conspiracy and the quantity of contraband seized pose a serious threat to public health and safety, necessitating a thorough, ongoing, and uninterrupted investigation. The Petitioners/A.3 and A.4 do not hold any license or legal authority to manufacture or deal in Ephedrine. Ephedrine is a precursor chemical that can be easily

converted into Methamphetamine, a highly dangerous psychotropic substance. Their involvement in manufacturing this controlled substance without authorization indicates their deliberate and conscious participation in illegal drug production. The investigation is at a crucial stage. Granting bail to Petitioners herein at this point would hinder the investigation. It is further stated that A.5- Maddu Prasad, is yet to be arrested, and efforts are going on to apprehend him. Therefore, under Section 37(1)(b) of the NDPS Act, the petitioners are not entitled to regular bail. Furthermore, they have been in judicial custody for only 67 days. Granting bail at this stage would obstruct the investigation and undermine the efforts of the Investigating Agency. In this case, 225.16 kilograms of Ephedrine a substance classified as a "Controlled Substance" was seized from the accused. This is a significant quantity. Further, it is stated that the Investigating Officer is going to file a petition for cancellation of bail before this Court, challenging the order passed by the Hon'ble Sessions Judge, Kushaiguda, in CrI.M.P.No.1825 of 2025, which granted regular bail to A.1. Hence, he prayed the Court to dismiss these criminal petitions.

6. Considering the submissions made by the respective counsel and the material placed on record, both the accused are

arrested on 10.10.2025. According to petitioners the seized contraband is 225.16 kgs of Ephedrine and it is a control substance which does not fall under the Narcotic drug. As such, rigor of Section 37 of NDPS Act is not applicable to the present case. As this offence is punishable under Section 25(a) of the NDPS Act, and there is no minimum sentence under Section 25(a) of the NDPS Act, requested to grant regular bail to them. Further, relying on the judgment in **Niranjan Jayantilal Shah V Directorate of Revenue Intelligence**<sup>1</sup> petitioners contended that Section 37 of NDPS is not applicable to the present case.

7. On the other hand, learned Additional Public Prosecutor relied on the judgment of Apex Court in **Union Of India V Prateek Shukla**<sup>2</sup>, and contended that in the said case also the contraband is a control substance and the Hon'ble Supreme Court observed that High Court has not gone through Section 37 of NDPS Act which says that Section 37 is applicable to the control substances also, whereas in the said case along with Acetic Anhydride, Amphetamine was also seized and there is no such specific finding of the Apex Court that for the control substance, Section 37 is applicable. In view of the above facts though the contraband is a huge quantity, it does not fall under

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<sup>1</sup> 2013 DHC 5910

<sup>2</sup> (2021) 5 Supreme Court Cases 430

commercial quantity under schedule annexed to NDPS Act. The petitioners herein are in jail for the last more than 50 days and the record shows that Lws.1 to 13 were examined including the investigating authorities. Hence, this Court deems it fit to grant regular bail to the petitioners subject to the following conditions:

- i. The petitioners/A.3 and A.4 respectively shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), each with two sureties for a like sum each to the satisfaction of Special Judicial First Class Magistrate (Excise) cum -V Additional Junior Civil Judge-cum-V-Additional Judicial Magistrate at L.B.Nagar, Ranga Reddy District.
- ii. The petitioners/A.3 and A.4 respectively shall appear before the concerned SHO at 11:00 a.m., on every Wednesday for a period of eight (8) weeks, for the purpose of investigation and thereafter, as and when required.
- iii. The petitioners/A.3 and A.4 shall abide by the conditions stipulated in Section 483(2) of BNSS.

8. Accordingly, both the Criminal Petitions are allowed.

Miscellaneous petitions, if any, pending shall stand closed.

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**K. SUJANA, J**

Date :23.12.2025  
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**THE HON'BLE SMT. JUSTICE K. SUJANA**

**CRIMINAL PETITION Nos.15400 & 16360 OF 2025**

**DATE :23.12.2025**

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