

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16019 OF 2025

24.12.2025

Between :

Prem Upadhya @ Prem

... Petitioner/A.5

And

The State of Telangana,
Through Station House Officer,
Golconda Police Station, Hyderabad
Rep., by Public Prosecutor,
High Court for the State of Telangana,
Hyderabad

... Respondent

:ORDER :

This criminal petition is filed under Section 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner/A.5 seeking his enlargement on bail in connection with Crime No.166 of 2025 of Golconda Police Station, Hyderabad. The offences alleged against the petitioner are under

Sections 8(c) r/w.22(c), 27, 27 (A) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 23.07.2025 at 08.00 hours, on reliable information Lw.1 along with his staff and team went to scene at Hanuman Temple, Alijapur road, Golconda, Hyderabad and noticed gathering of A.1 to A.7 with regard to supply of cocaine and on enquiry and search the police found 276 grams of cocaine from the possession of A.1 to A.5 and seized the same. Basing on the complaint, the police registered the case against the accused for the above offences.

3. Heard Sri P.Vikasraj, learned counsel for the petitioner and Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for the respondent-State.

4. The contention of learned counsel for the petitioner is that petitioner is innocent of the said allegations and only 4 grams of cocaine is seized from the petitioner which is small quantity. No independent witnesses are examined and the petitioner has been in jail from 23.07.2025 but in fact he was illegally detained nearly 15 days prior to the said date and charge sheet is not filed till today and petitioner has been in jail for nearly five months. As such, requested this Court to grant bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed bail stating that the quantity seized is 276 grams of cocaine together from A.1 to A.5. As such, each accused is liable for 276 grams. As the quantity involved is commercial quantity, petitioner is not entitled for bail and prayed to dismiss this bail application.

6. Considering the submissions made by both the counsel and material on record, it appears that petitioner is in jail from 23.07.2025 and charge sheet is not filed till today. Considering the facts and circumstances of the case and the period of incarceration, this Court finds it appropriate to grant bail to the petitioner/A.5 subject to the following conditions.

i. The petitioner/A.5 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the XVII-Additional Chief Metropolitan Magistrate, Hyderabad.

ii. The petitioner/A.5 shall appear before the concerned SHO at 11:00 a.m., on every Wednesday for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

iii. The petitioner/A.5 shall abide by the conditions stipulated in Section 483(2) of the BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 24.12.2025

Rds

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