

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16474 of 2025

DATE: 24.12.2025

BETWEEN:

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.....petitioner/accused No.1

And

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

.....Respondent/complainant

ORDER

This Criminal Petition is filed seeking the Court to enlarge the petitioner, on bail, who is arrayed as accused No.1 in Crime No.351 of 2025, registered for the offences punishable under Sections 8(c) read with 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 11.08.2025, on reliable information, the *de-facto* complainant conducted vehicle checks near Gate II of ICRISAT. During the inspection, accused Nos. 1 to 4 were found, of whom accused Nos. 3 and 4 absconded, while 2160 grams of hash oil, including the weight of 175 plastic bottles, was seized from their possession. Following this, the petitioner and the remaining accused were arrested. Subsequently, a case was registered against them for the aforesaid offences.

3. Heard Sri N. Janardhan Reddy, learned counsel appearing on behalf of the petitioner as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner, while adopting the contents of the FIR, had denied all the allegations and contended that the contraband allegedly recovered was only of intermediate quantity, thereby not attracting the rigours of Section 37 of the NDPS Act and that the mandatory provisions of the Act were not complied with, the petitioner had no prior criminal antecedents, the investigation was completed, and the contraband and material evidence were already seized and kept

in judicial custody. Therefore, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner, contending that the petitioner was a habitual offender and that previously also a case had been registered against him for a similar offence and the investigation was still ongoing. Hence, in view of Section 37 of the NDPS Act, the petitioner was not entitled to bail, and prayed the Court to dismiss the petition.

6. Considering the submissions of both learned counsel and upon perusal of the material available on record, it is observed from the remand report and the seizure report that each bottle contained 5 grams of hash oil and that there were 175 bottles in total, amounting to 875 grams of hash oil. However, in the overall calculation, the contraband was wrongly mentioned as 1265 grams by including the weight of the plastic bottles. As per law, 1000 grams of hash oil constitutes a commercial quantity, and excluding the weight of the bottles, the actual contraband seized comes to 875 grams of hash oil, which falls within the category of intermediate quantity. It is further noted that the petitioner has been in judicial custody since 12.08.2025 and that a substantial

portion of the investigation has already been completed. In view of these circumstances, this Court deems it fit to grant bail to the petitioner, subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Thousand only), with two sureties for a like sum each to the satisfaction of the learned XI Additional Chief Judicial Magistrate at Secunderabad.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) week or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

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