

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.914 of 2026

DATE: 04.02.2026

BETWEEN:

Nade Birju

.....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.148 of 2025 of Prohibition and Excise Police

Station, Samshabad, Hyderabad, registered for the offence punishable under Sections 8(c) read with 22(c) of NDPS Act.

2. The case of the prosecution was that on 29.08.2025, at about 12:58 P.M., the P & E Sub-Inspector of Excise Police Station, Shamshabad, along with his staff, conducted a raid at Room No.08, Block-A, Vambay Colony, Upperpally, Rajendranagar, R.R. District, based on credible information. During the search, the officers found seven boxes containing a total of 2010 Nitrazepam tablets (10 mg each) weighing about 1143.6 grams.

3. Heard Sri K. Sunil Chowdary, 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 had no knowledge of the tablets found in the house, as the premises did not belong to him but to a friend of the co-accused. He further submitted that the contraband was seized from the house and not from the personal possession of the petitioner. He contended that the seized substance was a Schedule H pharmaceutical drug under the Drugs and

Cosmetics Act, 1940, with a minimal content of Nitrazepam (only 10 mg per tablet), totaling about 20.1 grams, which did not justify prosecution under the NDPS Act. He further submitted that the petitioner is in jail since 29.08.2025. 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 stating that the petitioner is a drug peddler. He further submitted that the investigation is in progress and if the petitioner is released on bail, at this stage, he may tamper with the evidence and may threaten the witnesses. Hence, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and a perusal of the material available on record, it appears that the petitioner is in jail since 29.08.2025. As seen from the record, the material part of the investigation has been completed. Considering the facts and circumstances of the case and the incarceration period of the petitioner, 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 Five Thousand only) each, with two sureties for a like sum each to the satisfaction of the learned Special Judicial Magistrate of First Class-cum-V Metropolitan Magistrate at L.B. Nagar, Ranga Reddy District.
- 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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SAI

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