IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY EIGHTH DAY OF APRIL TWO THOUSAND AND TWENTY SIX

PRESENT

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION Nos. 2861 and 4413 of 2026

Criminal Petition No.2861 of 2026

Between:

1. Kumar Badyu Pawar, S/o Sri Badu, Aged 32 years, Occ: Business N/o Pusegav village, Kattar Taluq Satara District, Maharastra State
2. Vinayak Baba Saheb Pawar, S/o Sri baba Saheb Pawar, Aged 32 years, Occ. Driver, N/o Pusegav village, Kattar Taluq Satara District, Maharastra State
3. Samadan Kantilal Bhise, S/o Sri Kantilal Bhise, Aged 35 years, Occ. Driver N/o Shiratav Village, Man Taluq Satara District, Maharastra State

...Petitioners/Accused Nos.1,2 & 3

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court at Hyderabad.(Through SHO Rachakonda Narcotics P.S.)

...Respondent

2. B. Jeevan Reddy, Sub-Inspector of Police, RNPS TGANB Abids, Hyderabad.

...Respondent/Defacto Complainant

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to **Quash** the order passed in Crl. MP No. 35 of 2026 in Cr.No.3 of 2025 (P.S. Narcotics Rachakonda) on the file of I Addl. District & Sessions Judge Ranga Reddy district at L.B.Nagar dated 10-2-2026.

I.A. NO: 1 OF 2026

Petition under Section528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to suspend the operation of the order passed in order passed in Crl. MP. No.35 of 2026 in Cr.No.3 of 2025 (P.S Narcotics Rachakonda) on the file of I Additional District and Sessions Judge Ranga Reddy District at L.B.Nagar dated 10-02-2026 pending disposal of the criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. J.P. Srikanth, Advocate for the Petitioners and Mr. Jithender Rao Veeramalla, Additional Public

Prosecutor on behalf of the Respondent No.1 and None Appeared for the Respondent No.2.

Criminal Petition No.4413 of 2026

Between:
A-5 Gollori Sathi Babu @ Vasanth Jadhav Patil @ Vicky Seth, S/o Sri Komulayya, Aged about 37 years, Occ: Agriculture, R/o Parvatinagar (V), Gudem (M), Sileru Post, Alluri Sitharamaraju District, AP state.

...Petitioner/Accused No.5

AND
The State of Telangana, Through S.H.O Rachakonda Narcotic Police Station, Telangana Anti Narcotic Bureau , Rangareddy District, Rep by its Public Prosecutor, High Court at Hyderabad.

...Respondent/Complainant

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to set-aside and quash the order passed in Crl.M.P.No.35 of 2026 dated 10-02-2026 by the Hon'ble I Additional District and Sessions Judge-cum-Designated Court for the Trial of Cases under NDPS Act, Ranga Reddy District on any terms and conditions.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P. Manoj Kumar, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Sole Respondent.

The Court made the following: COMMON ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION Nos.2861 and 4413 of 2026

Date: 28.04.2026

Crl.P.No.2861 of 2026

Between

Kumar Badyu Pawar and two others

...Petitioners

AND

The State of Telangana

...Respondent

Crl.P.No.4413 of 2026

Between

Gollori Sathi Babu @ Vasanth Jadhav Patil
@ Vicky Seth

...Petitioner

AND

The State of Telangana

...Respondent

COMMON ORDER

These Criminal Petitions have been filed by the petitioners/accused Nos.1, 2, 3 and 5, aggrieved by the order dated

10.02.2026 passed by the I Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar in Crl.M.P.No.35 of 2026 in Crime No.3 of 2026 of Narcotics Rachakonda Police Station, allowing the petition filed by respondent No.1-State seeking for extension of investigation period from 180 days to one year for completion of investigation and filing of charge sheet.

2. Heard Mr.J.P.Srikanth, learned counsel for the petitioners in Crl.P.No.2861 of 2026, Mr.P.Manoj, learned counsel for the petitioner in Crl.P.No.4413 of 2026, and Mr.Jithendar Rao Veeramalla, learned Additional Public Prosecutor appearing on behalf of respondent.

3. With the consent of both the learned counsel, the criminal petitions are disposed of at the stage of admission.

4. Learned counsel for the petitioners submitted that the prosecution filed an application before the trial Court vide Crl.M.P.No.35 of 2026, seeking an extension of the investigation period from 180 days to one year for completion of the investigation. At the time of disposal of the said application, the petitioners were not produced before the trial Court, nor given an opportunity to file a counter opposing the application filed by the prosecution. However,

the trial Court allowed the said application on 10.02.2026. By virtue of the said order, the petitioners are being deprived of their legitimate right to obtain statutory bail. Unless the said order is set aside and the trial Court is directed to pass orders afresh after giving an opportunity to file a counter and hearing all parties, the petitioners will be put to great hardship.

4.1. Learned counsel for the petitioners also raised another ground that the petitioners were not produced before the trial Court at the time of passing of the order, either physically or virtually, by relying upon the principle laid down by the Hon'ble Apex Court in ***Jigar @ Jimmy Pravinchandra Adatiya v.State of Gujarat***[1].

5. *Per contra*, the learned Additional Public Prosecutor submitted that the counsel appearing for the petitioners before the trial Court in Crl.M.P.No.35 of 2026 reported 'no counter' to the petition. Hence, the contention raised by the learned counsel for the petitioners that the trial Court, without giving an opportunity, much less a reasonable opportunity, to the petitioners, passed the impugned order is not tenable in law. There are no grounds to interfere with the order passed

[1] Crl.A.No.1656 of 2022

by the trial Court. He disputed the submissions made by the learned counsel for the petitioners.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioners were arrayed as accused Nos.1, 2, 3, and 5. Accused Nos.1 to 3 were arrested on 28.07.2025, and accused No.5 was arrested on 18.08.2025, and since then they have been in judicial custody. It is not in dispute that after expiry of the statutory period of 180 days, the petitioners are entitled for statutory bail. However, in the meantime, the prosecution filed an application vide Crl.M.P.No.35 of 2026, invoking the provisions under Section 364A(4) r/w Section 187 of the BNSS, seeking extension of the investigation period from 180 days to one year for completion of the investigation and filing of the charge sheet, on the ground that the investigation was still in progress. The trial Court, on 10.02.2026, allowed the said application.

7. The specific case of the petitioners is that they were not produced before the trial Court and were not given an opportunity, much less a reasonable opportunity, to file a counter. It was further contented they did not give any instructions to their counsel to report

'no counter'. Whether the petitioners were produced at the time of passing the order is a disputed question of fact.

8. Taking into consideration the peculiar facts and circumstances of the case and to render substantial justice to the parties, this Court is of the view that if an opportunity is given to the petitioners to put forth their grievance in the petition filed by the prosecution namely Crl.M.P.No.35 of 2026, no prejudice is going to be caused to the prosecution.

9. In view of the same, the impugned order passed by the trial Court in Crl.M.P.No.35 of 2026 dated 10.02.2026 is set aside and the petitioners are permitted to file counter within a period of one week from the date of receipt of a copy of this order. On such filing of counter, the trial Court is directed to dispose of the Crl.M.P.No.35 of 2026 afresh after giving an opportunity to both parties, in accordance with law, within a period of one week thereafter. It is made clear that the petitioners shall cooperate for disposal of Crl.M.P.No.35 of 2026 without seeking undue adjournments. It is also made clear that the petitioners are not entitled to seek benefit of statutory application till disposal of Crl.M.P.No.35 of 2026.

10. With the above directions, the Criminal Petitions are disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- M. JAWAHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

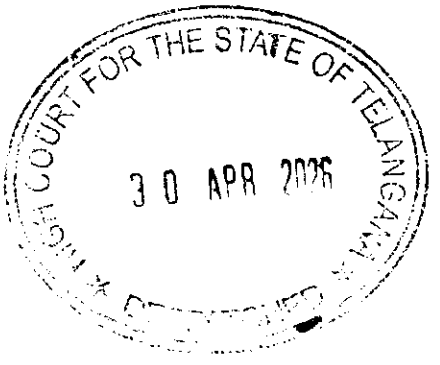
To,

1. The I Addl. District & Sessions Judge Ranga Reddy district at L.B.Nagar.
2. The Station House Officer, Narcotics Rachakonda Police Station, Ranga Reddy District.
3. One CC to Mr. J.P. Srikanth, Advocate [OPUC]
4. One CC to Sri P. Manoj Kumar, Advocate [OPUC]
5. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

KAM

HIGH COURT

DATED: 28/04/2026



COMMON ORDER

CRLP.Nos.2861 and 4413 of 2026

DISPOSING OF THESE CRIMINAL PETITIONS

(9) NT
30/4/26