

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

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION Nos.2657 and 2659 of 2026

DATE: 08.04.2026

Crl.P.No.2657 of 2026

BETWEEN:

Malaka Durga Prasad @ Balu

.....petitioner/accused No.4

And

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

.....Respondent/complainant

Crl.P.No.2659 of 2026

BETWEEN:

Allampalli Padma Durga @ Durga

.....petitioner/accused No.5

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 under Section 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners/Accused Nos.4 and 5, respectively, seeking their enlargement on bail in connection with Crime No.1649 of 2025 of Miyapur Police Station, Cyberabad Commissionerate. The offences alleged against the petitioner are under Section 8(c) read with 20(b)(ii)(C) & Section 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The facts of the case are that on 07.11.2025 at about 17.30 hours the complainant received reliable information that Golari Sanea, a native of Odisha, and Thambeli Laxmi were planning to sell prohibited hash oil to two customers near Hafizpet Railway Station 'T' Junction. After authorization, the complainant along with his team proceeded to the said place and at 18:50 hours, P.C. B.Vittal reported that Sanea, carrying a pink and brown school bag, and Laxmi were meeting two individuals. The team apprehended all four suspects at 18:52 hours. On checking the bag, a packet and a bottle containing black, viscous, pungent-smelling liquid

(hash oil) were found. A.2 confessed to sourcing 1.5 kg of hash oil from Daniel in Odisha and traveling with his relative, Thambeli Laxmi, to Hyderabad to sell it. A.3 admitted that she accompanied A.2 for a payment of Rs.10,000/- due to financial hardship and prior arrests for selling liquor. A.4 and A.5 confessed to being customers. They had previously purchased hash oil from A.2 and planned to buy 1.5 kg for Rs.1,00,000/- to resell for profit. The contraband weighing about 1.5 kg of Hash oil was seized from the possession of accused. Hence, complaint was registered against the accused for the above offences.

3. Heard Sri P. Vikas Raj, learned counsel appearing on behalf of the petitioners and Sri M. Ramachandra Reddy, learned Additional Public Prosecutor appearing on behalf of the respondent - State.

4. The contention of learned counsel for the petitioners is that petitioners are no way connected with this offence. No contraband was seized from the possession of petitioner herein. Mere presence of petitioners at the scene of offence without any recovery or corroborative evidence is not sufficient to attract the provisions of the NDPS Act and the confession

statement recorded under Section 67 of the NDPS Act is inadmissible in evidence. He further contended that petitioners are in jail from 07.11.2025 and material part of investigation is already completed, as such their custodial interrogation is not required. Hence, prayed this Court to grant regular bail to the petitioners.

5. On the other hand, learned Additional Public Prosecutor opposed bail on the ground that the quantity involved in this case is a commercial quantity. The petitioners herein along with other accused is doing the business of selling Hash Oil for easy money and investigation is not yet completed. In view of rigor of Section 37 of NDPS Act, petitioners are not entitled for bail and requested this Court to dismiss these petitions. However, he informed the Court that no other cases are pending against the petitioners.

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 petitioners are in jail since 07.11.2025. As seen from the record, the material part of the investigation has been completed and L.Ws.1 to 12 witnesses have been examined. Considering the facts and

circumstances of the case and the incarceration period of the petitioners, this Court deems it fit to grant bail to the petitioners, subject to the following conditions:

- i. The petitioners shall execute a personal bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each, with two sureties for a like sum each to the satisfaction of the I Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar.
- ii. The petitioners 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 petitioners shall abide by the conditions stipulated in Section 437(3)

of Cr.P.C.(presently, Section 480(3) of
the BNSS).

7. Accordingly, these Criminal petitions are allowed.

Miscellaneous applications, if any pending, shall stand
closed.

K. SUJANA, J

Date: 08.04.2026
SAI

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