

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

**AT HYDERABAD**

**THE HONOURABLE SMT. JUSTICE K. SUJANA**

**CRIMINAL PETITION No.3031 OF 2026**

**DATE : 18.03.2026**

**Between :**

Mohdmmad Chand @ Mohammad Chand Pasha

... Petitioner/A.4

**And**

The State of Telangana,  
Rep., by its Public Prosecutor,  
For the State of Telangana, Hyderabad,  
... Respondent

**: ORDER :**

This criminal petition is filed under Section 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner/A.4 praying to enlarge him on bail in connection with FIR No.366 of 2026 of Toopran Police Station, Medak District. The offences alleged against the petitioner are under Sections 8(c), r/w.20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and under Section 111 of Bharatiya Nyaya Sanhita, 2023.

2. The facts of the case are that on 23.10.2025 at about 04:00 hours, the Sub-Inspector of Police, Toopran Police Station, submitted a report stating that on 22.10.2025 at about 19:00 hours, while on duty, he received credible information regarding illegal transportation of ganja in a silver-coloured Maruti Ertiga car bearing No. TS 08 KA 5057, proceeding towards Hyderabad via Toopran Toll Gate. After complying with the mandatory provisions and formalities the police team proceeded to the spot and kept watch near the toll plaza. At about 21:00 hours, the said vehicle was noticed approaching at high speed; on seeing the police, the driver attempted to flee, resulting in the vehicle overturning after hitting a barrier. Some occupants escaped, while two persons along with others, including women and minors, were apprehended. Upon inspection of the vehicle in the presence of panch witnesses, four bags containing multiple packets of dried ganja were found. The contraband was seized, weighed, and found to be approximately 49.5 kilograms. During inquiry, the apprehended accused disclosed that they had procured the ganja from Nagpur with an intention of selling it in Hyderabad for profit and had used the vehicle to transport the same. The police seized the contraband and other material objects, and based on

the said report, a case was registered against the accused for the above offences.

3. Heard Sri Nand Kishore Yadav, learned counsel appearing for the petitioner and Sri M.Ramachandra Reddy, learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in this case without any prima facie material and that no specific overt act is attributed to him, despite examination of several witnesses. It is further submitted that the seized substance does not fall within the definition of “ganja” under the NDPS Act and that the mandatory procedural safeguards, including proper separation and weighing of the contraband and communication of grounds of arrest under the BNSS, were not followed. It is also submitted that the entire investigation has been completed and the material witnesses have been examined and till today no charge sheet is filed. The petitioner has been in judicial custody since 23.10.2025, and is suffering from health issues. Hence, prayed this Court to grant regular bail to the petitioner by allowing this criminal petition.

5. On the other hand, the learned Additional Public Prosecutor opposed bail contending that the petitioner is a drug peddler and mere violation of procedure is not a ground to grant bail in view of the judgment in **Narcotics Control Bureau V Kashif**<sup>1</sup>. Further, the quantity involved in a huge commercial quantity. Hence, petitioner is not entitled to bail and prayed to dismiss this petition.

6. Having regard to the submissions made and the material placed on record, it is seen that petitioner is in jail for nearly five months and till today charge sheet is not filed. Considering the period of incarceration of petitioner in jail and the facts and 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 Five Thousand only) with two sureties for a like sum each to the satisfaction of the Principal Judicial First Class Magistrate, Medak.

ii. The petitioner shall appear before the concerned SHO between 09.00 a.m and 5.00 p.m., on every Wednesday for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the

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<sup>1</sup> 2024 INSC 1045

purpose of investigation, and thereafter, as and when required.

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

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous petitions, if any, pending shall stand closed.

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**K. SUJANA, J**

Date :18.03.2026

Rds

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