

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.3681 OF 2026

DATE : 30.03.2026

Between :

Mohammed Shabaaz.

... Petitioner

And

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

... Respondent/Complaint

: ORDER :

This Criminal Petition is filed praying this Court to enlarge the petitioner on bail who is arrayed as accused No.2 in Crime No.105 of 2026 on the file of Mailardevpally Police Station, Ranga Reddy District, registered for the offences punishable under Sections 8 (c) r/w. 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. Brief facts of the case are that on 30.01.2026 at about 11:30 hours, the police, acting on credible information,

apprehended two persons, Mohammed Afroz Khan (A1) and Mohammed Shahbaaz (A2/Petitioner), at Shastripuram bus stop while they were travelling on an Activa bike bearing No. TS-12-EV-0809. On search, 10 plastic covers containing one gram each of MDMA, weighing in total 10 grams, were recovered from the vehicle dickey along with two mobile phones and the bike. A case was registered in Crime No.105 of 2026 of PS Mailardevpally under Section 8(c) read with 22(c) of the NDPS Act, 1985.

3. Heard Sri Umesh Singh, learned counsel appearing on behalf of the petitioner and Sri M.Ramachandra Reddy, learned Additional Public Prosecutor appearing on behalf of the respondent - State.

4. Learned counsel for the Petitioner submitted that the Petitioner has been falsely implicated in the present case without any recovery from his personal possession. It was argued that the alleged seizure was from the vehicle dickey of A1, and there is no independent witness to support the prosecution version. The Petitioner was arrested solely on the basis of the confessional statement of A1, which is inadmissible. Therefore, he prayed this Court to allow the criminal petition.

5. Learned Additional Public Prosecutor opposed the submissions and contended that the Petitioner was apprehended along with A1 while transporting MDMA and his role in the offence is evident from the investigation. Therefore, he prayed this Court to dismiss the criminal petition.

6. Having regard to rival submissions made, and on perusing the material on record, it is noted that the contraband allegedly seized in the present case is 10 grams of MDMA. As per the NDPS Act, "*commercial quantity*" means any quantity of a narcotic drug or psychotropic substance greater than the threshold specified by the Central Government by notification in the Official Gazette. In the case of MDMA, the notified threshold for commercial quantity is 10 grams and above. Since the seized quantity in the present case is exactly 10 grams, it falls within the category of intermediate quantity and not commercial quantity. Therefore, the stringent twin conditions under Section 37 of the NDPS Act are not attracted, and the bail application is to be considered on general principles. Therefore, this Court is of the view that the petitioner is entitled to bail, subject to compliance with 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 XII Additional Judicial Magistrate of First Class, Ranga Reddy District, Rajendra Nagar.

- 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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