

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

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.3713 of 2026

DATE: 18.03.2026

Between:

Ejaz Ahmed Maqsud Alam Ansari
@Ansari.

...Petitioner/A.1

AND

The State of Telangana,
Rep.by its Pubic
Prosecutor, High Court
for the State of Telangana.
Hyderabad, Through Inspector of
police, Masab Tank P.S,
Hyderabad.

...Respondent

ORDER

This Criminal Petition is filed under Sections 480 & 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner/Accused No.1 seeking to enlarge him on bail in connection with Crime No.273 of 2025 on the file of Masab Tank Police Station, Banjarahills Division, registered for the offence punishable under Section 8 (c) read with 22 (c) 21 (b), 20(b)(ii)(A), 27(A), 29, 27(a), 27(b) of the NDPS Act.

2. Heard Sri V.Vijay Shankar, learned counsel for the petitioner and Sri M.Ramachandra Reddy, learned Additional Public Prosecutor, appearing for the respondent-State.

3. The case of the prosecution is that on reliable information, the complainant along with staff conducted inspection and found the accused, who are in illicit possession of contraband i.e., Cocaine powder weighing 26 grams, Ecstasy pills weighing 7.5 grams, OG weed weighing 05 grams and MDMA weighing 11 grams, one I-phone and net cash of Rs.1,100/-. The same was reported to the police and basing on the same, police registered a case against the accused persons for the aforesaid offences.

4. Learned counsel for the petitioner-accused No.1 would submit that the petitioner is innocent of the offence alleged against him and he has been falsely implicated in his case. He also further submits that the petitioner has been illegally taken into custody on 31.10.2025 at 14:00 hours he was produced before the learned Magistrate concerned on 01.11.2025 at 4:00, as such there is delay of two hours in producing the petitioner before the learned Magistrate. On this aspect, he placed reliance on the Judgment of Hon'ble

Supreme Court in ***Directorate of Enforcement v. Subhash Sharma***¹, wherein it is stated that the accused was not produced before the nearest learned Magistrate, the arrest was rendered as completely illegal as a result of violation of clause 2 of Article 22 of the Constitution of India and arrest gets vitiated on completion of 24 hours in custody and hence, he prays this Court to grant regular bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed the same and submits that as the contraband seized from the possession of the petitioner is a commercial quantity, at this stage, the petitioner is not entitled for grant of bail in view of nature of allegations and hence, he prays to dismiss the petition.

6. Considering the submissions made by both the counsel and on perusal of the material on record, though the petitioner was taken into custody on 31.10.2025 at 14:00 hours, he was produced before the learned Magistrate on 01.11.2025 at 4:00 PM with a delay of two hours, which is clear violation of clause 2 of Article 22 of the Constitution of India and arrest gets vitiated on completion of 24 hours in

¹ 2025 INSC 141

custody. On that ground alone, the petitioner is entitled for grant of bail subject to the following conditions:

- (i) The petitioner-Accused No.1 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 learned III Additional Chief Judicial Magistrate, Hyderabad at Nampally.
- (ii) On such release, the petitioner-accused No.1 shall appear before the concerned SHO at 11:00 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 purpose of investigation, and thereafter, as and when required.
- (iii) The petitioner-Accused No.1 shall abide by the conditions stipulated in Section 437 (3) of Cr.P.C. (presently, Section 480 (3) of BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous petitions, if any, pending shall stand closed.

K. SUJANA, J

Date: 18.03.2026

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