

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.3938 of 2026

DATE: 02.04.2026

BETWEEN:

Shatabdi Manna

.....petitioner/accused No.2

And

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

.....Respondent/complainant

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.228 of 2025 before the Miyapur Police Station, Cyberabad Commissionerate, registered for the offence

punishable under Sections 8c read withb 22c read with 29 of NDPS Act.

2. The brief facts of the case are that on 19.02.2025, based on credible information, the police apprehended the petitioner (A-2) at Miyapur Bus Stop and allegedly seized about 63 grams of contraband from her possession, suspected to be MDMA, and registered a case under Sections 8(c) r/w 22(c) and 29 of the NDPS Act. Subsequently, charge sheet was filed and the case was taken on file as NDPS SC No.190 of 2025. It is alleged that A-1 and A-3 are absconding, while the petitioner has been in judicial custody since her arrest.

3. Heard Sri Raghu Gurram, learned counsel appearing on behalf of the petitioner as well as Sri M. Ramachander Reddy, learned Additional Public Prosecutor appearing on behalf of the respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner is falsely implicated, as she was not produced before the Magistrate within 24 hours and that there are serious procedural lapses, including non-compliance with mandatory provisions under BNSS/NDPS Act and failure to communicate

grounds of arrest. He contended that a material contradiction between the FIR (MDMA) and FSL report (Methamphetamine), creating doubt about the prosecution case and that investigation is completed, charge sheet is filed, the petitioner is in custody for a long period and has no criminal antecedents. Therefore, he prayed the Court to grant bail to the petitioner by allowing this Criminal Petition.

5. On the other hand, learned Additional Public Prosecutor opposed the bail petition, submitting that the offence involves commercial quantity of contraband and attracts the stringent provisions of the NDPS Act and that the petitioner was found in possession of contraband and the case is supported by material collected during investigation. The mere procedural objections do not entitle the petitioner to bail at this stage, and the rigours under Section 37 of the NDPS Act are applicable. At this stage, granting of bail to the petitioner does not arise. Therefore, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and upon perusal of the material available on record, it appears that the petitioner is arrayed as accused

No.2 in a case registered for alleged possession of contraband substance and the matter is now pending trial after filing of the charge sheet. The main allegation against the petitioner is that she was found in possession of about 63 grams of contraband substance at Miyapur Bus Stop. Further, as seen from the record, there is a delay of more than 5 hours in producing the petitioner before the nearest Magistrate after arrest. As held by the Hon'ble Supreme Court in **Prabir Purkayastha v. State (NCT of Delhi)**¹, that when the time of arrest and production of the accused before the Magistrate is considered and the production is beyond 24 hours, such detention would be violative of Article 22(2) of the Constitution, and the subsequent remand would not cure the illegality, and the accused would be entitled to be released on that ground. In view of the above settled legal position and considering the facts and circumstances of the case, 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)

¹ (2024) 8 Supreme Court Cases 254

each, with two sureties for a like sum each to the satisfaction of the XIII Additional District and Sessions Judge, Ranga Reddy District at L.B. 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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