

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.4038 OF 2026

DATE : 01.04.2026

Between :

Mohd. Osman @ Abbu

... Petitioner/A.3

And

The State of Telangana,
Rep., by its Public Prosecutor,
High Court for the State of Telangana at Hyderabad,
Through SHO, Chaderghat Police Station,
Hyderabad

... Respondent/Complaint

: ORDER :

This Criminal Petition is filed praying this Court to enlarge the petitioner on bail who is arrayed as accused No.3 in Crime No.354 of 2025 of Chaderghat Police Station, Hyderabad. The offences alleged against the petitioner are punishable under Sections 8 (c) r/w. 22 (c), 27(A), 27(B) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The facts of the case are that on 01.10.2025, on credible information regarding delivery of Narcotic and psychotropic contraband at Bhookalimatha Temple, Vinayakaveedhi, Chaderghat, the police visited the said place and at about 13:35 hours, the suspects were apprehended and on enquiry A.1 revealed that he collected MDMA from Ashwin Das Ramanth and delivered it to the petitioner for distribution in Hyderabad. The police recovered the bag containing 50 grams of MDMA from the possession of accused and case was registered against them for the above offences.

3. Heard Sri Abubakar Bin Ahmed Bakulka, 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. The contention of learned counsel for the petitioner is that petitioner is in jail from 01.10.2025 and no charge sheet is filed till now. The alleged recovery of 50 grams of MDMA was made from A.1 who was carrying a bag. There is no evidence that any recovery is made from the petitioner herein, as such, Sections 35 & 54 of NDPS Act does not attract to the petitioner. The petitioner has been implicated solely basing on the confession statement of A.1 made before the police which is not admissible

in evidence as per **Toofan Singh v. State of Tamil Nadu**¹. Mere possession of a mobile phone or alleged acquaintance showing call records does not constitute conscious possession, financing or abetment under Sections 27-A or 29 of the NDPS Act. Petitioner earlier filed two bail applications which are dismissed by this Court. The investigation is substantially complete and continued detention would amount to punitive incarceration which is impermissible, where no recovery is made from the accused incarceration becomes punitive, bail must be granted notwithstanding Section 37 of the NDPS Act. He further contended that the petitioner is the sole breadwinner of his family and that his family is suffering from severe financial hardship as he is having aged and dependant parents, wife and school going children. Hence, prayed this Court to enlarge the petitioner on bail by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed bail stating that the quantity involved is a huge commercial quantity of 50 grams of MDMA. The investigation is still under progress. A.1 is a drug peddler and he supplies MDMA to A.3 through A.2 and A.2 and A.3 sell the same for higher prices and while apprehending, A.2 was holding 50

¹(2021) 4 SCC 1

grams of MDMA for handing it over to A.3. If petitioner is enlarged on bail he may commit similar offence. As such, petitioner is not entitled for bail and prayed to dismiss this petition.

6. Having regard to rival submissions made, and on perusing the material on record, it is noted that considering the period of incarceration of petitioner, 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 VII ACJM Court, Nampally.
- 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.

Date: 01.04.2026
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K. SUJANA, J

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