

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

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.5316 OF 2026

DATE: 20.04.2026

Between :

Batti Srinivas Goud

S/o Shankar Goud

...Petitioner/Accused No.2

And

The State of Telangana,
Through its Public Prosecutor,
High Court of Judicature, at Hyderabad
Through Station House Officer,
Prohibition & Excise Bala Nagar
Police Station.

... Respondent

: ORDER :

This Criminal Petition is filed under Section 480 & 483 of Bharatiya Nagarik Surakhsha Sanhita, 2023 praying this Court to enlarge the petitioner on bail who is arrayed as accused in C.O.R. No.86 of 2025 of Prohibition and Excise Station, Balanagar. The offences alleged against the petitioner are under Section 8(c) r/w 22(c) of the NDPS Act, 1985, and Sections 37A,

31(1)(b), 34(a) r/w 36(1)(b) & (c), 37(a) r/w 14(2), 42(a), and 37(1) of the Telangana Excise Act, 1968.

2. The brief facts of the case are that, on 08.07.2025, news emerged that several toddy consumers fell ill after consuming adulterated toddy in the Kukatpally area, prompting Excise officials to inspect a TCS toddy shop at S.P. Nagar, which was found locked but stocked with toddy bottles linked to licensee Kuna Sai Teja Goud. Initial chemical tests showed no adulteration, but further lab analysis confirmed the presence of Alprazolam in the toddy samples. The accused admitted to preparing synthetic toddy and intentionally mixing Alprazolam to increase demand, thereby violating license conditions. Statements of victims hospitalized at NIMS corroborated that consumption of toddy from the said shop caused serious illness, with reports indicating multiple deaths and several hospitalizations. Consequently, the section of law was altered to the above mentioned offences, holding the accused responsible for adulteration leading to public harm.

3. Heard Sri T.Niranjan Reddy, learned Senior Counsel representing Sri Vootukuri Raghuver, 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 allegations in the complaint and remand report are false and baseless and has been falsely implicated without any role in the alleged offence and that the implication of the petitioner is solely based on inadmissible confessional statements and his status as a license holder, without any independent evidence establishing *mens rea* or involvement, and no contraband was seized from his possession. He further submitted that the essential ingredients of the provision of the NDPS Act are not made out, as the prosecution has failed to quantify the alleged Alprazolam content, rendering the classification as “commercial quantity” unsustainable and the bar under Section 37 inapplicable and that the reliance on **Hira Singh v. Union of India**¹ is misplaced, as toddy is a licensed beverage and not a drug mixture, and the said judgment does not apply to the facts of the present case. He also contended that there is no material linking any alleged deaths or illnesses to toddy sold from the

¹ AIR 2020 SC 3255

shop of the petitioner and that the prosecution case is primarily based on inadmissible confessional statements barred under law, as held in **Tofan Singh v. State of Tamil Nadu**². He further contended that the petitioner has been in custody since 10.07.2025, that the substantial part of the investigation is already completed, and that his continued detention serves no useful purpose. He also placed reliance on the judgments of the Hon'ble Apex Court in the Hon'ble Apex Court in **Kapil Wadhawan Vs. Central Bureau of Investigation**³ and **Mohd. Muslim Alias Hussain Vs. State (NCT of Delhi)**⁴ to support his contention. Therefore, 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 the bail petition by filing a counter affidavit, contending that the petitioner is the main accused and kingpin behind the adulteration of toddy with Alprazolam, which resulted in multiple deaths and serious illness among consumers, and therefore, considering the gravity of the offence and the applicability of Section 37 of the NDPS Act. He further submitted that earlier bail petitions were dismissed and no new

² AIR 2020 SC 5592

³ 2025 SCC OnLine SC 3038

⁴ (2023) 18 SCC 166

circumstances exist, as such the petitioner is not entitled to bail and prayed the Court to dismiss this petition.

6. Considering the submissions made by both the learned counsel and upon perusal of the material available on record, it is evident that the petitioner has been in judicial custody for more than nine months, is aged about 45 years, and claims to have no direct connection with the toddy business. The Sessions Case pertains to the year 2026 and the trial has not yet commenced, with no likelihood of its conclusion in the near future. In view of the judgments relied upon and having regard to the period of incarceration, this Court is inclined to grant regular bail to the petitioner, subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the learned I Additional District & Sessions Judge, Medchal-Malkajgiri, at Kushaiguda.
- 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 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 applications, if any pending, shall stand closed.

Date: 20.04.2026
YVL

K. SUJANA, J

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