

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION Nos.6130 & 6361 of 2026

DATE: 05.05.2026

Crl.P.No.6130 of 2026

BETWEEN:

Abhishek Singh

.....petitioner/ Unnumbered accused

And

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

.....Respondent/complainant

ORDER

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as

accused in Crime No.150 of 2026 before the Moinabad Police Station, Future City, registered for the offences punishable under Section 8c, 22(a), 27, 29 of NDPS Act, 25(1-B)(a), 30 of Arms Act, 34(a) of TSEA, 109 and 131 read with 3(5) of BNS.

2. The brief facts of the case are that on 14.03.2026, upon receiving credible information, the police conducted a raid at a farmhouse situated at Aziznagar Village, Moinabad. During the raid, 11 persons were found allegedly consuming narcotic substances and liquor. A revolver with live and empty cartridges was seized from one accused, and 0.26 grams of cocaine was recovered from accused No.5. It is further alleged that one of the accused fired at the police party during the raid. During investigation, based on the alleged statements of co-accused, the prosecution claims that the present Petitioner (A-12) is part of the drug supply chain and had allegedly supplied the contraband, though he was not present at the scene and no recovery was effected from him.

3. Heard Sri T. Pradhyumna Kumar, learned Senior Counsel, representing Sri Apurva M. Gokhale learned counsel appearing on behalf of the petitioner as well as Sri Palle

Nageswar Rao, learned Additional Public Prosecutor appearing on behalf of the respondent – State.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and has been falsely implicated and that the petitioners are not named in the FIR and was not present at the scene of offence. No contraband has been recovered from them and there is no material linking them to the alleged offence. He contended that the entire allegation against the petitioners is based solely on the alleged statements of co-accused, which are inadmissible in law in view of the judgment in **Tofan Singh v. State of Tamil Nadu**. There is no independent corroboration such as call data, financial transactions, or witness statements. He further submitted that the quantity involved is only 0.26 grams of cocaine, which is a small quantity, and therefore the rigours of Section 37 of the NDPS Act are not attracted. The provisions relating to possession, consumption, conspiracy, Arms Act, and Excise Act are not applicable to the Petitioner in the absence of any recovery or overt act. He contended that the investigation is at a speculative stage, with contradictory versions regarding the source of contraband. Thus, it is

contended that arrest of the petitioners would amount to abuse of process of law and they are entitled to anticipatory bail.

5. The learned Public Prosecutor submits that the Petitioner is a key link in the drug supply chain and is not a mere bystander. Based on the statements of co-accused, it is revealed that the Petitioner acted as a supplier and facilitated procurement of cocaine for the party. He contended that even in the absence of direct recovery, the role of the petitioners attracts offences under Section 29 of the NDPS Act relating to abetment and criminal conspiracy. The offence is not limited to possession but extends to procurement and supply of narcotic substances. He submitted that the investigation is at a crucial stage and custodial interrogation of the Petitioner is necessary to trace the source of drugs, identify the supply network, and uncover financial transactions and other involved persons. He contended that the Petitioner is absconding and has not cooperated with the investigation, and there is a likelihood of tampering with evidence or influencing witnesses if anticipatory bail is granted. The

seriousness of the offence and its societal impact outweigh the grounds urged by the Petitioner.

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 allegations against the petitioner are primarily based on the statements of co-accused recorded during the course of investigation, wherein the petitioner is alleged to be a part of the drug supply chain. The main allegation against the petitioner is that he had supplied the contraband substance to the co-accused; however, it is not in dispute that the petitioner was not present at the scene of offence and no recovery has been effected from him.

7. At this stage, it is also relevant to note that a similarly placed accused, namely accused No.14, has been issued notice under Section 35(3) of the BNSS, 2023 by the investigating agency instead of being subjected to arrest. Having regard to the principle of parity, and considering that the allegations against the present petitioner stand on a similar footing as that of accused No.14, this Court deems it appropriate to extend similar protection to the petitioner.

8. Further, having regard to the nature of allegations, the quantity of contraband involved being small, and the fact that the role attributed to the petitioners are yet to be substantiated through independent material, this Court is of the view that custodial interrogation of the petitioners, at this stage, may not be necessary, subject to his cooperation with the investigation.

9. Accordingly, these Criminal Petitions are disposed of directing the petitioners to appear before the Investigating Officer on or before 20.05.2026 between 11:00 a.m. and 05:00 p.m. On such appearance, the Investigating Officer shall follow the procedure contemplated under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 41-A of Cr.P.C.) and also adhere to the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹ scrupulously.

10. The petitioners shall cooperate with the investigation and shall furnish all necessary information and produce relevant documents/material as may be required by the Investigating Officer. It is further directed that the

¹ (2014) 8 SCC 273

Investigating Officer shall consider the explanation and material submitted by the petitioners before taking any coercive steps and shall proceed in accordance with law by filing an appropriate report before the jurisdictional Magistrate.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 05.05.2026
SAI

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.4963 of 2026

Date: 05.05.2026

SAI