

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

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.6440 OF 2026

DATE: 05.05.2026

Between :

Namit Sharma

... Petitioner/Accused No.1

And

The State of Telangana,
Rep. by its Public Prosecutor,
High Court of Telangana
at Hyderabad.
(through Moinabad Police Station,
Future City Commissionerate)

... Respondent/Complainant

: ORDER :

This Criminal Petition is filed under Sections 480 & 483 of Bharatiya Nagarik Surakhsha Sanhita, 2023 praying this Court to enlarge the petitioner on bail who is arrayed as accused No.1 in Crime No.150 of 2026 of Moinabad Police Station, Future City. The offences alleged against the petitioner are under

Sections 8(c), 22(a), 27 and 29 of NDPS Act, Sections 25(1B)(a), 27, 30 of Arms Act, 1959, Section 34(a) of Telangana Excise Act and Sections 49, 109, 132 r/w 3(5) of BNS.

2. The brief facts of the case are that, on 14.03.2026, on receipt of credible information, Sub-Inspector of Police, Moinabad Police Station, Cyberabad, came to know that certain individuals had assembled at the farmhouse and were allegedly consuming narcotic and psychotropic substances along with liquor during a party. Acting upon the said information, he complied with the requirements under Section 42(2) of the NDPS Act and conducted raid. Upon reaching the farmhouse at about 20:30 hours, the police team surrounded the premises and announced their presence. At that time, a gunshot was allegedly fired from inside the farmhouse towards the police team, accompanied by threats from persons inside. Subsequently, the police entered the premises and apprehended one Namith Sharma (A-1), who was found in possession of a revolver, and another individual, Silvari Sharath Kumar, who was holding empty cartridges. Based on the alleged voluntary confession of accused Kaushik Ravi (A-4), it was revealed that cocaine had been procured from an unknown person and brought to the party. Further, upon conducting urine drug

tests on the individuals present, namely Tiruveedula Arjun Reddy, Kaushik Ravi, Rithesh Reddy Panjugula, Namith Sharma, and Panjugula Rohith Reddy, all tested positive for drug consumption. Consequently, a case was registered against the accused for the above mentioned offences.

3. Heard Sri Vade Shashidher Reddy, learned counsel for the petitioner and Sri Palle Nageshwar Rao, learned Public Prosecutor appearing on behalf of the respondent - State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case and that while several persons were present at the alleged scene, only the petitioner along with A-2 and A-3 were arrested and remanded, whereas the other accused were released upon issuance of notice under Section 35(3) BNSS. He further submitted that the petitioner is not connected with the alleged weapon, thereby the offences under the Arms Act is not applicable. He further contended that no contraband was recovered from the petitioner, and the seized quantity of 0.26 grams of cocaine is below small quantity and that the petitioner stands on the same footing as the other accused who were released on notice. He further contended that the petitioner has

been in judicial custody since 15.03.2026, and the material part of investigation has already been completed. Therefore, he prayed this Court to grant regular bail to the petitioner by allowing this criminal petition.

5. On the other hand, the learned Public Prosecutor opposed the bail petition by filing a counter affidavit, contending that the petitioner/A-1 opened fire on the police party using a 0.32 revolver with an intention to deter the police from performing lawful duty and the revolver along with live cartridge and empty cartridge case were seized from the possession of A1 and that the petitioner is charged with serious and non-bailable offences under the NDPS Act, Arms Act, TSEA Act, and relevant provisions of the BNS, including Section 109 BNS and that the investigation is still in progress and placed reliance on various judgments, including **P. Chidambaram Vs. Directorate of Enforcement**¹, to contend that adequate time must be given for investigation; **Union of India and Others Vs. Bharat Chaudhary and another**², highlighting the adverse societal impact of drug offences; **Chandakeshwar Prasad @ Chandu Babu Vs. State of Bihar and Anr.**³ emphasizing the need to

¹ (2019) 9 SCC 24

² CrI.O.P.Nos. 18540 of 2020, 6056, 6115 and 6224 of 2021

³ 2016 0 AIR (SC) 4524

balance individual liberty with societal interest; **K. Mehfuz Ali Khan Vs. The State of Andhra Pradesh**⁴ to argue that bail should not be granted in serious offences; **Yerragudi Suryanarayana Reddy vs. Senior Intelligence Officer, DRI**⁵, stating that intermediate quantity is not a ground for bail; **Zeba Khan vs. State of U.P.** ⁶ , regarding non-disclosure of antecedents; and **Naushey Ali vs. State of U.P.**⁷, wherein offences under Section 307 IPC and the Arms Act are treated as grave offences against society. Therefore, the petitioner is not entitled to bail and prayed the Court to dismiss this petition.

6. Having regard to the submissions made by the learned counsel on either side and upon perusal of the material available on record, it appears that the principal allegation against the petitioner is that he opened fire on the police personnel and was found in possession of a revolver along with live cartridge and empty cartridge case. However, the record reflects that the firing was allegedly done in the air and that four custody petitions filed by the prosecution were allowed by the trial Court, and the petitioner was subjected to custodial interrogation. However, the last custody petition was dismissed,

⁴ 2014 1 ALD (Cri) 215

⁵ 2017 3 Crimes (HC) 493

⁶ 2026 0 INSC 144

⁷ 2025 0 AIR (SC) 1035

indicating that sufficient opportunity had already been granted to the investigating agency. It is further observed that the petitioner has been in judicial custody since 15.03.2026. Though allegations are made that the petitioner was involved in consumption and arranging narcotic substances on several occasions, no prior crime under the NDPS Act has been registered against him. Taking into consideration the nature of allegations, the fact that the contraband is of small quantity, the period of incarceration of the petitioner since 14.03.2026, the completion of substantial custodial interrogation, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the learned Additional Junior Civil Judge-cum-XII Additional Judicial Magistrate of First Class, Ranga Reddy District at Rajendranagar, and one of the sureties shall be a local person.
- 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.
- iv. The petitioner shall deposit his passport before the trial Court and he shall not leave the jurisdiction of the Court without prior permission of the trial Court.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

Date: 05.05.2026

ss

K. SUJANA, J

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.6440 OF 2026

Date: 05.05.2026