

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.7055 of 2026

DATE: 06.05.2026

BETWEEN:

Malaka Durga Prasad @ Balu

.....petitioner/accused No.4

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.4 in Crime No.1649 of 2025 before the Miyapur Police Station, Cyberabad Commissionerate, registered for the offence

punishable under Sections 8c read with 20(b)(ii)(C) and Section 29 of NDPS Act.

2. The brief facts of the case are that on 07.11.2025, based on credible information, the police conducted a raid near Hafizpet Railway Station and apprehended four accused persons, including the petitioner/Accused No.4. During the raid, 1.5 kg of hash oil was allegedly seized from the possession of Accused No.2. It is further alleged that Accused Nos.1 and 2 had transported the contraband from Odisha to Hyderabad for sale, while Accused Nos.3 and 4 were prospective purchasers. Accordingly, a case in Crime No.1649 of 2025 was registered for offences under Sections 8(c) r/w 20(b)(ii)(C) and 29 of the NDPS Act, and the accused were remanded to judicial custody.

3. Heard Sri Nazeeruddin Khan, 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 submits that the petitioner is innocent and has been falsely implicated, and no

contraband was recovered from his possession and that the alleged recovery was made from Accused No.2, and there is no material to establish conscious possession on the part of the petitioner. He further submitted that there is no evidence of any prior link or communication between the petitioner and the co-accused, and the allegation is based solely on the confessional statement of a co-accused, which is inadmissible in law. He contended that non-compliance with mandatory provisions under Section 42(2) of the NDPS Act, absence of criminal antecedents, and lack of any medical test indicating involvement in narcotic activity. Therefore, he prayed the Court to grant bail to the petitioner by allowing this Criminal Petition.

5. Learned Additional Public Prosecutor opposes the bail application, contending that the petitioner was apprehended at the scene along with other accused and was part of the transaction involving commercial quantity of contraband and that the offence is grave in nature, involving organized drug trafficking, and attracts the rigours of Section 37 of the NDPS Act. 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 a perusal of the material available on record, it appears that the petitioner is in jail since 08.11.2025. As seen from the record, the material part of the investigation has been completed and L.Ws.1 to 12 witnesses have been examined. Considering the facts and circumstances of the case and the incarceration period of the petitioner, 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) each, with two sureties for a like sum each to the satisfaction of the VIII Additional Judicial Magistrate of First Class, Kukatpally at Ranga Reddy District.

- 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

Date: 06.05.2026
SAI

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.6419 of 2026

Date: 06.05.2026

SAI