

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.7402 of 2026

DATE: 06.05.2026

BETWEEN:

Kunchala Sai Krishna

.....petitioner/accused No.2

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.2 in Crime No.1384 of 2025 of Chandanagar Police Station, Cyberabad Commissionerate. The offences alleged against the

petitioner are under Sections 8(C) r/w.22 (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The facts of the case, in brief, are that on 23.11.2025, acting upon alleged credible information, the police apprehended A.1 to A.3 near Gopinagar Lake and allegedly seized 15 grams of MDMA from the possession of A.1. It is further alleged that A.1, along with A.2 and A.3, had purchased the said contraband from A.4 in Karnataka and were intending to sell or consume the same. Hence, case was registered against the accused for the above offences.

3. Heard Sri P.Vikasraj, learned counsel appearing for the petitioner and Sri M.Ramachandra Reddy, learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated, as no contraband was recovered from him and the alleged seizure was only from A.1. It is contended that mere presence at the scene does not amount to conscious possession or involvement in the offence, and no specific overt act is

attributed to the petitioner except a vague allegation of association with the co-accused. It is further submitted that the alleged seizure of 15 grams of MDMA is below commercial quantity, and therefore the rigor of Section 37 of the NDPS Act are not strictly applicable. The learned counsel also contends that the alleged confessional statements made to the police are inadmissible in evidence under Sections 25 and 26 of the Evidence Act, and that there is doubtful compliance with the mandatory provisions of Sections 42 and 50 of the NDPS Act, as no independent mediators were secured and the search and seizure appear to be mechanical. It is submitted that the petitioner is a delivery boy with no criminal antecedents, has been in judicial custody since 23.11.2025, and no further custodial interrogation is required as the case is based on alleged seizure and statements. Hence, prayed this Court to grant regular bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed for grant of bail contending that the contraband seized is a huge commercial quantity, as such, in view of rigor of Section 37 of NDPS Act, petitioner is not entitled to bail.

However, he submitted that charge is not yet filed. Hence, prayed this Court to dismiss this criminal petition.

6. Having regard to the submissions made and the material placed on record, it is seen that petitioner is in jail for more than five months and till today charge sheet is not filed. Considering the period of incarceration of petitioner in jail and the facts and circumstances, 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.15,000/- (Rupees Fifteen Thousand only) each, with two sureties for a like sum each to the satisfaction of the I Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar.
- 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

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