

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

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL PETITION No.7654 of 2026

Date: 14.05.2026

Between:

Bitten Parichha

.... Petitioner/Accused

And

Union of India through SI,
NCB, Hyderabad Zone.

.... Respondent/Complainant

:: ORDER ::

This Criminal Petition is filed under Section 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking the Court to enlarge the petitioner on bail who is arrayed as accused in Crime No.02 of 2025 of NCB, Hyderabad. The offences alleged against the petitioner are under Sections 8(c) r/w.20(b)(ii)(c), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 25.07.2025, the complainant received specific information that a person named Bitten Parichha, aged about 35–40 years and a resident of Odisha

with a brown complexion, was trafficking a large quantity of Ganja to Mumbai. He was reportedly traveling from Brahmapur, Odisha, in Train No.11020/Konark Express, which had departed on 24.07.2025. He was said to be seated in Coach B2, Seat No.13, and the train was expected to arrive at Begumpet Railway Station around 1100 hours on 25.07.2025. Basing on this information after completing formalities the complainant proceeded to the location, secured two independent witnesses, and briefed them about the information received. The NCB Hyderabad team, along with the two witnesses, conducted a search of Train No. 11020/Konark Express and found Biten Parichha with three pieces of luggage. Upon questioning and during the search, Biten Parichha appeared nervous and admitted that he was carrying Ganja in the bags. Upon inspection, the team found 19 brown-colored taped packets inside the three bags. These packets contained a dark brown substance with a pungent smell, resembling the flowering and fruiting tops of a plant in compressed form, suspected to be Ganja. A total of 39 kgs of Ganja was seized from the petitioner's possession. He was issued a notice under Section 67 of the NDPS Act, 1985 (as amended), to appear before the officer for further investigation. Biten Parichha voluntarily gave a statement under Section 67 of the Act, in which he admitted to procuring, possessing, and attempting to transport Ganja for the

purpose of earning easy money. Based on his voluntary confession, the seized material, and other incriminating documents were seized and petitioner was arrested on 26.07.2025. Hence, case was registered against the petitioner for the above offences.

3. Heard Sri M. Amarnath, learned counsel appearing on behalf of the petitioner as well as Sri N. Avaneesh, learned Standing Counsel representing Sri N. Bhujanga Rao, learned Deputy Solicitor General of India on behalf of the respondent.

4. Learned counsel for the petitioner would submit that the petitioner is the sole accused for the offences punishable under Sections 8(c) read with 20(b)(ii)(C), 28 and 29 of the NDPS Act. It is alleged that upon interception by the police, the petitioner was found in possession of three bags containing 39 kgs of dry ganja kept under seat No.13 in B2 AC coach of Konark Express Train No.11020. The petitioner was taken into custody and remanded on 26.07.2025. Investigation has been completed and charge sheet filed before the II Metropolitan Magistrate-cum-Special Judicial Magistrate, Secunderabad, later laid before the Metropolitan Sessions Judge on 31.12.2025 *vide* SR No.19765 of 2025, though trial has not yet commenced.

5. He further contends that the panchanama was allegedly conducted in the presence of railway porters, Damodar Kolaka and Barpatti Arjun, without proper verification from railway authorities, which undermines its evidentiary value and that except for the present case, the petitioner has no criminal history. He further submits that an earlier bail application *vide* CrI.P.No.160 of 2026 was dismissed on 27.01.2026 by a co-ordinate Bench citing that charge sheet is also filed and in view of rigor of Section 37 of the NDPS Act, petitioner is not entitled for bail. He would submit that although Section 37 of the NDPS Act imposes a bar on granting bail, the petitioner's case does not attract its application. However, he contends that the petitioner's wife, who was travelling with him, was not examined, no train tickets were recovered or made part of the record, and no material was produced regarding notices issued to railway authorities or the presence of independent panch witnesses. Mere mention of panchas at the scene, according to him, is insufficient to invoke Section 37 of the NDPS Act against the petitioner. Therefore, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

6. On the other hand, learned Standing Counsel for the respondent opposed the bail application, submitting that the

panchas were independent witnesses, being railway porters, who stood as panchas during the panchanama where the contraband was recovered from the petitioner's seat. It is alleged that the petitioner, who boarded the train along with his wife, was intercepted while holding three plastic gunny bags. The first bag contained 8 packets (P1) weighing 16.50 kgs, the second bag contained 6 packets (P2) weighing 12.30 kgs, and the third bag contained 5 packets (P3) weighing 10.20 kgs, totaling 39 kgs. He further submits that the petitioner was apprehended upon interception in Konark Express, seated in B2 AC coach at seat No.13 with the contraband, which clearly attracts the bar under Section 37 of the NDPS Act. He further contends that the earlier bail application was rightly dismissed on 27.01.2026, and since then, no material development has taken place to justify enlarging the petitioner on bail and, therefore, seeks dismissal of the bail petition.

7. Having heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent, and upon perusal of the material available on record, this Court finds that the charge sheet has already been filed in the present case. Earlier, this Court had come to the conclusion that the case of the petitioner falls within the ambit of Section 37 of the NDPS Act and, in view of the

statutory restrictions contained therein, bail was not granted. However, it is noticed that nearly four months have elapsed since the passing of the earlier order and, till date, the trial has not commenced. The investigation has been completed and the charge sheet has already been laid before the competent Court. The issues relating to the merits of the allegations are matters to be adjudicated during the course of trial. It is further noted that the wife of the petitioner, who had allegedly travelled along with him, has not yet been examined. Considering the prolonged incarceration of the petitioner, the completion of investigation, and the fact that the trial has not commenced, this Court deems it appropriate to enlarge the petitioner on bail, subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only), with two sureties for a like sum each to the satisfaction of the learned II Metropolitan Magistrate at Secunderabad.
- ii. The petitioner shall attend the trial as and when his presence is required before the trial Court.
- iii. The petitioner shall not protract the litigation under any circumstances.

- iv. The petitioner shall not leave the country without prior permission of the concerned Court and surrender his passport before the Court concerned.
- v. If the petitioner does not possess a passport, he shall file an undertaking to that effect before the trial Court.
- vi. The petitioner shall not, in any manner, attempt to influence the witnesses during the course of the trial.
- vii. The petitioner shall abide by the conditions stipulated under Section 437(3) of the Cr.P.C. (presently Section 480(3) of the BNSS).
- viii. In the event of any breach of the above conditions, the respondent shall be at liberty to seek cancellation of the petitioner's bail.

8. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

E.V.VENUGOPAL, J

Date: 14.05.2026
SS/LK

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL PETITION No.7654 of 2026

Date: 14.05.2026

SS/LK