

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION No.7955 of 2026

DATE: 21.05.2026

BETWEEN:

Soubhagya Ku Swain

.....petitioner/accused No.1

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.1 in Crime No.42 of 2026 of Prohibition and Excise Station,

Nampally, Hyderabad. The offences alleged against the petitioner are punishable under Sections 8 (c) read with 20 (b) (ii) (B) of NDPS Act, 1985.

2. The brief facts of the case are that on 28.04.2026 at about 1:01 P.M., a joint raid was conducted by the SHO, Nampally Police Station, along with the DTF, Hyderabad, at the entrance of the lift situated on Platform No.2 of Begumpet Railway Station, Hyderabad. During the said raid, the petitioner was allegedly found in possession of 1.008 kilograms of dry ganja contained in a black polythene cover. The police also seized one Oppo F29 5G mobile phone from the possession of the petitioner. Basing on the alleged seizure and the purported confessional statement said to have been made by the petitioner, the respondent police registered a case against the petitioner. Thereafter, the petitioner was arrested on 28.04.2026 and was remanded to judicial custody on the same day.

3. Heard Sri Abhinav Krishna Uppaluri, learned counsel appearing on behalf of the petitioner and Sri D.Arun Kumar,

learned Additional Public Prosecutor appearing on behalf of the respondent – State

4. Learned counsel for the petitioner submitted that the petitioner had filed an application for regular bail before the learned Sessions Judge, Red Hills, Nampally, Hyderabad. The trial Court, by order dated 13.05.2026, dismissed the said application on the grounds that the petitioner is a native of the State of Odisha, that Accused No.2 is still absconding and that the investigation is yet to be completed. Learned counsel further submitted that although the petitioner hails from Odisha, he has been permanently residing in Hyderabad and is eking out his livelihood by working as a plumber. The petitioner is arrayed as accused No.1 in Crime No.42 of 2026 on the file of the Prohibition and Excise Station, Nampally, Hyderabad. It is further contended that Section 37 of the NDPS Act is not attracted to the facts of the present case, as the alleged contraband seized falls within the category of intermediary quantity. Therefore, he prayed the Court to grant bail to the petitioner by allowing this Criminal Petition.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the grant of bail contending that the contraband allegedly seized from the petitioner is 1.008 kilograms of dry ganja, which falls within the category of commercial quantity under the provisions of the NDPS Act. It is further submitted that the alleged discrepancy regarding the time of arrest cannot be considered a valid ground for granting bail. He also contended that if the petitioner is released on bail at this stage and cause difficulty to the respondent police. He further submitted that since the petitioner is a native of the State of Odisha, the learned trial Court has rightly and appropriately dismissed the bail application. Therefore, he prayed that this Criminal Petition be dismissed.

6. In the light of the submissions made by both the learned counsel and upon perusal of the material available on record, this Court is of the considered view that the mere fact that the petitioner is a native of the State of Odisha cannot, by itself be a ground to deny bail. Likewise, the absconding of accused No.2 cannot be a sole reason for refusing bail to the petitioner, who is arrayed as Accused No.1, particularly when

the alleged seizure pertains to an intermediary quantity. 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 XII Additional Chief Judicial Magistrate, Nampally, Hyderabad.
- ii. The petitioner shall appear before the concerned Investigating Officer on every Monday and Friday between 10:00 a.m., and 05:00 p.m., for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier 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).
- iv. The petitioner shall surrender his passport, if any, before the concerned Court.

- v. The petitioner shall not directly or indirectly contact, threaten, induce, or influence the de facto complainant or any of the prosecution witnesses.
- vi. In the event of violation of any of the above conditions, the prosecution shall be at liberty to seek cancellation of bail in accordance with law.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

E.V.VENUGOPAL,J

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