

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.8685 OF 2026

DATE : 01.07.2026

Between:

Indravath Lokesh Nayak

...Petitioner

AND

The State of Telangana

...Respondent

ORDER:

This Criminal Petition is filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita*, 2023 (for short, "BNSS"), seeking the relief of anticipatory bail.

2. The petitioner is arrayed as the accused No.4 in FIR No.36 of 2026 on the file of Prohibition and Excise Station, Ghatkesar, registered for the offences punishable under Sections 8(c) read with 20(b)(ii) (B) of NDPS Act, 1985.

3. Heard Mr.Aluvala Kedharnath, learned counsel representing Mr.K.Pavan Kalyan, learned counsel for the petitioner and Mr.Syed Yasar

Mahmood, learned Additional Public Prosecutor representing the respondent-State.

4. The prosecution case, in brief, is that on 08.04.2026, the de facto complainant, along with his team, conducted a raid and allegedly found accused No.1 in illegal possession of 1.097 kilograms of ganja/ contraband. During the course of enquiry, it was allegedly revealed that the petitioner and two other accused had helped the accused No.1 to procure the contraband for the purpose of its sale. Based on the said allegations, the present crime came to be registered.

5. Learned counsel for the petitioner submits that the allegations levelled against the petitioner are false and that he has been falsely implicated in the present crime merely because he was sharing a room with the other accused. It is further contended that the entire case against the petitioner rests solely on the alleged confessional statement of accused No.1 and that, thus far, no independent incriminating material has been collected by the prosecution to connect the petitioner with the alleged offence. He further submits that the confessional statement of a co-accused carries only limited evidentiary value and is required to be subjected to strict judicial scrutiny. In support of the said contention, reliance is placed on the judgment in ***Karan Talwar Vs. State of Tamil***

Nadu ¹ and pleaded that the Hon'ble Supreme Court has held that, the confessional statement of a co-accused is not, by itself, admissible as substantive evidence against another accused. It is also submitted that the petitioner is a student and is willing to cooperate with the investigation and abide by any conditions that may be imposed by this Court. On the aforesaid grounds, learned counsel prays that the petitioner be enlarged on anticipatory bail.

6. Per contra, the learned Additional Public Prosecutor opposed the application, contending that the petitioner has been arrayed as accused No.4 and that his involvement came to light on the basis of the confessional statement of accused No.1, wherein it was allegedly stated that accused No.1 had been purchasing and selling dried ganja with the assistance of his roommates, including the petitioner. It is further submitted that since the registration of the crime, the petitioner has been absconding. However, on 28.05.2026, accused Nos.2 and 3 were apprehended and remanded to judicial custody. It is, therefore, contended that there are specific allegations against the petitioner and accordingly, the learned Additional Public Prosecutor prays for dismissal of the present application.

¹ 2024 SCC Online SC 3803

7. I have considered the rival submissions and carefully perused the material available on record.

8. According to the petitioner, he has been falsely implicated in the present crime solely on the ground that he was sharing a room with accused No.1 and the other accused. The prosecution, on the other hand, alleges that the petitioner, along with the other two roommates, assisted accused No.1 in procuring and selling dried ganja. Significantly, except for the alleged confessional statement of accused No.1, no independent material has been placed on record at this stage to prima facie establish the petitioner's active involvement in the alleged offence. Even the said confessional statement does not attribute any specific overt act to the petitioner, nor does it disclose the precise nature or extent of his alleged participation in the procurement or sale of the contraband. Apart from the statement of the co-accused, the prosecution has not pointed to any other independent incriminating circumstance connecting the petitioner with the alleged offence.

9. At this stage, it is also relevant to note that the evidentiary value of the confessional statement of a co-accused is circumscribed by law. Whether the prosecution ultimately succeeds in establishing the petitioner's involvement is a matter to be determined during the course of the investigation and trial.

10. In the above circumstances, having regard to the nature of the allegations, the limited role presently attributed to the petitioner, the absence of any specific overt act or independent incriminating material connecting him with the alleged offence at this stage, coupled with his young age, his status as a student, the absence of any criminal antecedents, and his expressed willingness to cooperate with the investigation, this Court is of the considered opinion that custodial interrogation of the petitioner does not presently appear to be indispensable. In this view, this Court is satisfied that the petitioner's prayer for grant of anticipatory bail deserves to be favourably considered, subject to such appropriate conditions as may be imposed to secure his availability for investigation and to ensure a fair and unhindered investigation.

11. Accordingly, the Criminal Petition is allowed, and the petitioner shall be enlarged on anticipatory bail, subject to following conditions.

(A) The petitioner/Accused No.4 shall surrender before the Station House Officer, Prohibition and Excise Station, Ghatkesar on or before 15.07.2026. Upon such surrender or in the event of arrest the Station House Officer shall release him on bail on execution of 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 said officer.

(B) The petitioner shall appear before the Investigating officer on every Saturday between 10.00AM to 03.00PM, for a period of twelve (12) weeks from the date of his release on bail and shall cooperate with the investigation in all respects.

(C) The petitioner shall furnish his complete residential address and contact details to the Investigating Officer and shall keep the same updated throughout the course of investigation.

(D) The petitioner shall not either directly or indirectly induce, threaten, influence, or contact any prosecution witness, nor shall he tamper with the prosecution evidence in any manner whatsoever.

(E) The petitioner shall strictly comply with all the conditions contemplated under Section 482(2) of the BNSS.

(F) Any wilful breach or violation of any of the aforesaid conditions shall render the petitioner liable to appropriate proceedings before the court below, including cancellation of bail, in accordance with the provisions of the BNSS and other applicable law.

12. It is made clear that any observations made herein are confined solely to the adjudication of the present application for anticipatory bail and shall not be construed as an expression on the merits of the case.

Miscellaneous applications, if any pending, shall stand closed.

Date: 01.07.2026

CHS

N.TUKARAMJI, J

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