

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.9109 of 2026

DATE: 01.07.2026

BETWEEN:

Yaswanth K. Nasa

.....petitioner/accused No.5

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.5 in Crime No.17 of 2026 before the Bachupally Police Station, Cyberabad Commissionerate, registered for the offence

punishable under Sections 8c read with 22(b)(C) and 29 of NDPS Act.

2. The brief facts of the case are that on 05.01.2026, on receipt of credible information that one person was in possession of MDMA near High Rise Villas, Mallampet Road, Bachupally, the police reduced the information into writing under Section 42 of the NDPS Act, informed the superior officers, secured mediators and the clues team, and proceeded to the spot. At about 8:30 p.m., accused No.1 was apprehended while allegedly carrying a white zip-lock cover containing 1.24 grams of MDMA. During interrogation, accused No.1 allegedly disclosed that he had procured the contraband from Goa through one Inao Shaiza and that his driver Chandu used to procure MDMA from one Nithin for sale to customers. Based on the said information, Crime No.17 of 2026 was registered for the offences punishable under Sections 8(c) read with Sections 22(b), 22(c) and 29 of the NDPS Act. During the course of investigation, the petitioner was arrayed as accused No.5 on the allegation that he had supplied MDMA to accused persons. The petitioner was

subsequently apprehended from his residence at Bengaluru, brought to Hyderabad, and remanded to judicial custody.

3. Heard Smt. Indira, learned counsel appearing on behalf of the petitioner as well as 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 is innocent and has been falsely implicated in the present case. He contended that no contraband was recovered from the possession of the petitioner and that his implication is solely based on the alleged confessional statements of the co-accused and his own custodial confession, both of which are inadmissible in evidence. He further submitted that the petitioner was not named in the FIR and no material has been placed on record to show how he was initially suspected. Learned counsel argued that the confession was recorded only after the petitioner was arrested and brought from Bengaluru to Hyderabad and, therefore, it cannot be treated as a voluntary statement. He contended that there was no recovery of any contraband or incriminating material from the petitioner and no direct nexus has been established between

him and the contraband seized from accused No.1. He further submitted that the mandatory provisions under Sections 42, 50 and 67 of the NDPS Act have not been properly complied with and placed reliance upon the decision of the Hon'ble Supreme Court in **Tofan Singh v. State of Tamil Nadu** to contend that a confession made before a police officer under the NDPS Act cannot be the sole basis for prosecution. 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 opposed the submissions made by the learned counsel for the petitioner stating that the investigation has revealed the active involvement of the petitioner in the illegal trafficking of MDMA and that he is specifically alleged to have supplied the contraband to the other accused for further distribution. He further submitted that the offences alleged under the NDPS Act are grave in nature and involve an organized drug trafficking network, attracting the rigours of Section 37 of the NDPS Act. Further, the investigation was not yet completed. 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 05.02.2026. As seen from the record, the material part of the investigation has been completed and L.Ws.1 to 15 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 I Additional District and Sessions Judge, Medchal-Malkajgiri at Malkajgiri.

- 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

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SAI

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