IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION No.15009 of 2026

(CNR.No. HHBHC010630692026)

DATED 11.11.2026

Between:

Guntikanda Linga Goud

..Petitioner-A4

And

Union of India
Through Sub-Inspector
Narcotics Control Bureau
Hyderabad Zone ... Respondent-Complainant

O R D E R

1. This Memorandum of Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) praying this Court to enlarge the petitioner on bail who is arrayed as accused No.4 in connection with NCB F.No.IV/4/31/Cr.No.14 of 2026/HYD of P.S. Cyberabad Narcotics. The offences alleged against the petitioner-A4 are punishable under Sections 8(c) r/w 22(c), 28 and 29 of the NDPS Act, 1985.

2. Heard Sri P. Vishnuvardhana Reddy, learned counsel for petitioner, and Sri Naraparaju Avaneesh, learned Standing counsel appearing for respondent.

3. Learned counsel for the petitioner submits that as per the case of the prosecution, the petitioner-A4 was not found at the

scene of offence where the recovery was made nor there is any material to establish direct link to the recovery of any contraband. Petitioner-A4 was arrested on 29.06.2026 at about 20:00 hours and he is remanded to judicial custody. As of 03.09.2026, the petitioner-A4 has undergone approximately 66 days of incarceration. The allegations against the petitioner-A4 is substantially based on the statements of the co-accused. Alleged recovery of 91.25 kgs of Amphetamine is from M/s. Activz Liffesciences, Raichur, Karnataka was from separate premises and cannot, without independent corroborative material, be mechanically attributed to the present petitioner, counsel in support of his contentions has relied on the decision in the case of State (by NCB) Bengaluru) vs. Pallulabid Ahmad Arimutta and another[1] and prayed to enlarge the petitioner-A4 on bail.

4. Respondent has filed counter affidavit and contended that petitioner-A4 failed to satisfy the twin conditions mandated under Section 37 of NDPS Act. The material weighing approximately 5.16 kg, which was suspected to be Alprazolam has tested positive. The notified commercial quantity of Alprazolam is 100 grams. The quantity of Alprazolam confirmed in the present case is approximately 5.16 kgs which is far in excess of the commercial quantity. The contention of the petitioner-A4 that no contraband

[1] (2022) 12 SCC 633 (3 Judge Bench)

is recovered from his personal possession does not entitle him to bail. Investigation reveals that the petitioner-A4 connection with other accused persons in the illegal activities. Petitioner-A4 is in receipt of the contraband. Bail application filed by the petitioner-A4 before the concerned District Court came to be dismissed on 04.08.2026. Subsequent receipt of FSL report has further strengthen the prosecution case by scientifically confirming the presence of Alprazolam in commercial quantity. Petitioner-A4 is involved in Crime No.365 of 2024 of P.S. Madhapur, Crime No.299 of 2023 of P.S. Suraram, Crime No.364 of 2023 of P.S. Medak Town and Crime No.254 of 2021 of P.S. Pet Basheerabad and prayed to dismiss the petition.

5. As per the remand case diary of the petitioner-A4 dated 29.06.2026 which states that NCB Hyderabad along with two independent witnesses entered the premises i.e. KRC industries, Nacharam, Telangana. E. Praveen Kumar, Leela Prasad, K. Swamy Sekhar and two cleaning staff were present at the scene of offence. During the search process, they have found 5.16 kg of light brown powder believed to be Alprazolam and 12.14 kg of white crystalline powder believed to be methamphetamine. The 3 persons namely E. Praveen Kumar, Leela Prasad, K. Swamy Sekhar tendered their voluntary statement under Section 67 of the NDPS Act, 1985, in which they inter-alia admitted their involvement in procurement,

possession and attempt of transportation of alprazolam and methamphetamine. Their statements disclosed that the main receiver of the said contraband is G. Linga Goud (petitioner-A4 herein).

6. Basing on the confession of the above said three persons, petitioner-A4 is arrested.

7. In Crime No.365 of 2024 of P.S. Madhapur petitioner is enlarged on bail vide Crl.M.P.No.2146 of 2024 by the learned Sessions Court on 23.09.2024. In Crime No.299 of 2024 of P.S. Suraram, he is enlarged on bail by this Court vide Crl.P.No.10105 of 2024 dated 13.09.2024. In Crime No.364 of 2023 of P.S. Medak-Town, petitioner is enlarged on bail by the learned Sessions Court vide Crl.M.P.No.95 of 2024 dated 06.06.2024. So in Crime No.254 of 2021 of P.S. Pet Basheerabad, statutory bail is granted by this Court in Crl.P.No.8941 of 2021 dated 24.11.2021.

8. The crime numbers referred in the counter filed by the respondent goes to show that the petitioner is enlarged on bail in all the cases.

9. A5-Nishit Kadakia has filed Crl.P.No.16293 of 2026 for grant of regular bail before this Court, the same came to be allowed vide order dated 16.10.2026 with an observation that sample No.1 is alprazolam confirmed weighing about 4.8460.

10. In Pallulabid Ahmad Arimutta and another[1] Supreme Court observed in Para No.12, which reads as under:

> "12. It has been held in clear terms in Tofan Singh v. State of T.N. (2021) 4 SCC 1, that a confessional statement recorded under Section 67 of the NDPS Act will remain inadmissible in the trial of an offence under the NDPS Act. In the teeth of the aforesaid decision, the arrests made by the petitioner NCB, on the basis of the confession/voluntary statements of the respondents or the co-accused under Section 67 of the NDPS Act, cannot form the basis for overturning the impugned orders releasing them on bail."

11. Remand case diary itself states that petitioner-A4 is arrested on the confessional statements of E. Praveen Kumar, Y. Leela Prasad, K. Swamy Sekhar. The decision cited by the petitioner counsel stated supra is squarely applicable to the case on hand.

12. This Court is conscious of the fact that petitioner-A4 is involved in other crimes, he was already enlarged on bail. Petitioner-A4 has made out a case for grant of bail, subject to the following conditions:

i. The petitioner-A4 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty five Thousand only), with two sureties for a like sum each to the satisfaction of the learned I Additional District and Sessions Judge-cum-

Additional Family Court Judge, Medchal-Malkajgiri District, at Kushiguda.

ii. The petitioner-A4 shall appear before the concerned SHO between 10 a.m. to 5 p.m., on every Sunday for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

iii. The petitioner-A4 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

iv. The petitioner-A4 shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses.

v. The petitioner-A4 shall not involve in similar offence.

vi. It is made clear that if any of the conditions imposed by this Court are violated, the prosecution is at liberty to file an application for cancellation of the bail.

13. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

B.R.MADHUSUDHAN RAO, J

Date: 11.11.2026
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