IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SRI JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION No.16511 of 2026

CNR No.HBHC010695262026

DATED : 27.10.2026

BETWEEN:

Sachin Gangaram Chavan

.....Petitioner-Accused No.4

AND

The State of Telangana,
Rep. by its Public Prosecutor,

...Complainant-Respondent

ORDER

1. This 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 Crime No.03 of 2025 of P.S. Narcotics, Rachakonda. The offences alleged against the petitioner-A4 are punishable under Sections 8(c), 20(b)(ii)(C), 27A, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 111 of the Bharatiya Nyaya Sanhita Act, 2023 (for short 'BNS').

2. Heard Sri R.Prasanth, learned counsel for the petitioner-A4 and Sri D.Arun Kumar, learned Additional Public Prosecutor for the respondent - State.

3. Learned counsel for the petitioner submits that there is no allegation that petitioner-A4 was physically present in either of the vehicles at the time of interception or that he was apprehended from the place of the alleged recovery. There is no recovery of any quantity of ganja from the personal possession of the petitioner-A4. The alleged ganja weighing about 935.611 kilograms was recovered from the Tata Eicher vehicle which was in the physical possession and control of A3 at the time of interception. Petitioner-A4 was apprehended solely on the basis of confessional statements allegedly made by the co-accused. The respondent-State has already completed the investigation and filed charge sheet, numbered as SC.NDPS No.57 of 2026. Petitioner-A4 was remanded to judicial custody on 23.01.2026, since then he is in jail. A1 to A3 were enlarged on bail by the learned Sessions Court on 12.05.2026. Counsel in support of his contention has relied on the decisions in the cases of (1) The State of Haryana Vs. Samarth Kumar[1] (2) Yusuf

[1] Criminal Appeal No.1005 of 2022 of the Supreme Court of India dated 20.07.2022

Aajam Vs. State Govt. of NCT of Delhi[2] (3) Aniket Vs. State NCT of Delhi[3] and prayed to enlarge the petitioner-A4 on bail.

4. The learned Additional Public Prosecutor submits that the petitioner-A4 cannot seek parity of the bail order of A1 to A3 as they stand on different footing. Furthermore, the bail application filed by them before the learned Sessions Court is under Section 187(3) of the BNSS seeking statutory bail. Petitioner-A4 is involved in other cases, Sections 27A and 29 of the NDPS Act are invoked, and the ganja which was seized is 935.611 kilograms and he is not entitled for grant of bail.

5. B. Jeevan Reddy, Sub-Inspector of Police has lodged a complaint before P.S. Rachakonda Narcotics on 27.07.2025. The complainant and his staff apprehended A1 to A3 on the above said date while they were illegally transporting 935 kilograms of ganja from Odisha State in a Tata Eicher vehicle bearing No.AP 39 UC 4740, escorted by a Toyota Innova car bearing No.MH 43 AJ 2327 while proceeding to Solapur, Maharashtra basing on which FIR came to be registered.

6. A5 was arrested basing on the confession of A1 to A3 on 19.08.2025.

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[2] 2026 DHC 4966
[3] 2026 DHC 8875

7. Police has filed charge sheet against A1 to A3 under Sections 8(c) r/w 20(b)(ii)(C), 27A, 29 of the NDPS Act. In the charge sheet of A1 to A3, it is stated that A4 was produced before the Court on a transit warrant on 23.01.2026 and A5 was produced before the Court on 19.08.2025. A1 to A5 committed multiple offences in furtherance of their common intention and conspiracy, therefore Section 111 of the BNS is also attracted against them.

8. A1 to A3 were enlarged on bail by the learned Sessions Court *vide* Crl.MP.No.174 of 2026 on 12.05.2026 seeking statutory bail (Section 187(3) of BNSS) and they were in judicial custody since 28.07.2025. The learned Sessions Judge imposed conditions and enlarged them on bail.

9. Learned counsel for the petitioner-A4 on instructions submits that the petitioner-A4 is enlarged on bail in Crime No.52 of 2026 of Patancheru P.S. in an NDPS case, and in Crime No.661 of 2021 wherein charge sheet is filed, the same is numbered as Spl.SC.No.149 of 2022 and the petitioner is shown as A1 in the above said case and he is in jail as an under trial prisoner, trial has commenced in the above said S.C. In so far as Crime No.800 of 2022 of P.S. Sangola, Maharashtra State, the petitioner is not an accused in the above said case.

10. Learned counsel for the petitioner-A4 submits that the prosecution has not challenged the bail granted to A1 to A3, which has attained finality.

11.1. In **Samarth Kumar**[1], the Supreme Court observed that "Respondent may take advantage of the decision in Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1, at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial".

11.2. In **Yusuf Aajam**[2], the High Court of Delhi observed that "To meet the prosecution objection as to his antecedents, relying on Prabhakar Tewari Vs. State of Uttar Pradesh & Anr., (2020) 11 SCC 648, the petitioner has submitted that mere previous involvement is not, by itself, a ground to reject bail and the specific role of the accused in the earlier case(s) has to be examined". The same view is taken in **Aniket**[3] case.

12. The learned Additional Public Prosecutor has filed dismissal orders in Crl.P.Nos.11323 of 2026 and 11467 of 2026 of this Court stating that filing of charge sheet is not a ground for granting bail.

13. Petitioner-A4 was arrested on the confessional statement of the co-accused.

14.1. In **Vijay Pal Singh Vs. State of Haryana**[4], High Court of Punjab and Haryana observed in Para No.7 which reads as under:

> "7. Admittedly, the involvement of the petitioner in the instant case is solely on the basis of disclosure statement of co-accused Sita Ram from whom on his arrest on 24.09.2020, commercial quantity of contraband was recovered and who made a statement that he had purchased the said contraband form the petitioner, besides disclosure statement by the petitioner pursuant to his arrest. However, apart from the disclosure statements, there is no other material to connect the petitioner with the commission of the offence".

14.2. The same view is taken in **B.Balakrishan Vs. State of Andhra Pradesh represented by its Public Prosecutor**[5].

15. Petitioner-A4 is also enlarged on bail in SC.NDPS No.213 of 2022 of P.S. Bhadrachalam Town *vide* order dated 03.09.2026 in Crl.MP.No.784 of 2026 in Crime No.339 of 2020, wherein he is shown as A1.

16. Supplementary charge sheet has to be filed against petitioner-A4 to the charge sheet filed against A1 to A3.

17. This Court is of the conscious of the fact that petitioner-A4 is from Maharashtra State, if local sureties are ordered while

[4] http://indiankanoon.org/doc/129456629
[5] 2025 SCC OnLine AP 3040

enlarging him on bail will meet the ends of justice. Hence, the petitioner-accused is entitled to be enlarged on 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 local sureties for a like sum each to the satisfaction of the XIII Additional District and Sessions Judge, R.R.District at L.B.Nagar.

ii. The petitioner-A4 shall appear before the learned Sessions Court, as and when the case is posted and shall cooperate with the disposal of the main case. In exigency, the counsel on record before the learned Sessions Court is permitted to file dispense with petition seeking the dispense of the accused.

iii. The petitioner-A4 shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses connected to the S.C.

iv. The petitioner-A4 shall not involve in any other cases.

v. 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.

18. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

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B.R.MADHUSUDHAN RAO, J

Date: 27.10.2026
PLV

THE HON'BLE SRI JUSTICE B.R.MADHUSUDHAN RAO

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