IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

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

CRIMINAL PETITION No.16777 of 2026

CNR No.HBHC010707332026

DATED : 26.10.2026

BETWEEN:

Ganga Ram

.....Petitioner-Accused No.2

AND

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

...Respondent - Complainant

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.2 in connection with Crime No.613 of 2026 of P.S. Vanasthalipuram, Malkajgiri Commissionerate. The offences alleged against the petitioner-A2 are punishable under Sections 8(c) r/w 22(C), 27 and 29 of the Narcotic Drug and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. Heard Sri V.Raghunath Rao, learned Senior Counsel representing Sri S.Chandrashekhar Yadav, learned counsel for

the petitioner-A2 and Sri Sri D.Arun Kumar, learned Additional Public Prosecutor for respondent - State.

3. Learned Senior Counsel for the petitioner submits that petitioner-A2 is falsely implicated in the case based on the confession statement of A1. Nothing has been recovered from the possession of the petitioner-A2, he is implicated in the crime without there being any specific overt act. Petitioner-A2 is a labourer and he is innocent, has not committed any offence as alleged by the prosecution. Even according to the allegations made in the complaint, the ingredients under the provisions of NDPS Act will not attract. Total contraband is seized from the possession of A1. Petitioner-A2 is taken into police custody for two days from 29.04.2026 to 01.05.2026. There are reasonable grounds for believing that petitioner-A2 is not guilty of the offence and he is not likely to commit any offence while on bail. Petitioner-A2 was remanded to judicial custody on 17.04.2026, so far 174 days is over (as on 07.10.2026). Wife of the petitioner-A2 is pregnant at the time of his remand. Now she has a baby, there is no one to take care of both of them and she attempted to commit suicide, prayed to enlarge the petitioner-A2 on bail.

4. Learned Additional Public Prosecutor submits that the learned Sessions Court has extended the time to complete the

investigation for further period of one year after completion of 180 days *vide* Crl.MP.No.416 of 2026 dated 30.09.2026. A3 is still absconding. FSL report is awaited.

5. J.Gautham, S.I. of Police has lodged a report before P.S. Vanasthalipuram on 03.04.2026 stating that he received credible information regarding one person transporting MDMA in a bag and the same will be delivered to other person near Dear Park, Auto Nagar, Vanasthalipuram. From A1-Anopa Ram, the contraband seized is 97.18 grams of MDMA.

6. Al-Anopa Ram was arrested on 03.04.2026 at 2045 hours and was produced before the concerned Magistrate on 04.04.2026. It is stated in the remand case diary of Al that A2-Raghunath Ram (petitioner herein) is absconding (supplier cum peddler) and A3-Abdhul Rahman @ Ali is also absconding (receiver).

7. Petitioner-A2 was arrested on 15.04.2026 at 1100 hours in Rajasthan State and he was brought to the concerned Court on transit warrant on 17.04.2026 and was produced before the concerned Magistrate, since then he is in judicial remand. It is mentioned in the remand case diary of the petitioner-A2 that A3-Abdhul Rahman @ Ali is still absconding who is a receiver.

8. Petitioner-A2 has filed Crl.M.P.663 of 2026 in Crime No.613 of 2026 for grant of bail and the grounds raised in the bail application are that the petitioner-A2 is innocent, police has completed the investigation. The learned Sessions Judge by considering the material on record observed that petitioner-A2 is alleged to be the main supplier, conspirator and organiser in the commission of the offence who facilitated illegal transportation of contraband from Rajasthan to Hyderabad through other accused and the contraband seized is commercial quantity far exceeds the notified limit.

9. Petitioner-A2 has filed another bail application before the District Court *vide* Crl.M.P.No.740 of 2026 that his wife is pregnant and he has not committed any offence. The learned Sessions Court while considering the material on record has dismissed the bail application on 21.05.2026 stating that bar under Section 37 of the NDPS Act is attracted.

10. Remand case diary of A1 goes to show that petitioner-A2 is the supplier cum peddler and on 01.04.2026 petitioner-A2 has called A1, met him and handed over three packets of MDMA drug and told him to transport the same to Vanasthalipuram, Hyderabad.

11. On perusal of the remand report of the petitioner-A2 which states that the petitioner-A2 has instructed A1 to deliver the drug at the location and assured payment of Rs.10,000/- on successful completion of the task.

12. The complaint speaks for itself that 70.70 grams of MDMA and 97.18 grams of unknown drug is seized from the possession of A1.

13. Basing on the confessional statement of A1, petitioner-A2 came to be arrested on 15.04.2026 in Rajasthan State and was brought on transit warrant to Hyderabad to the concerned Court and produced him on 17.04.2026.

14. Petitioner-A2 has filed Crl.P.No.8534 of 2026 for grant of regular bail before this Court, the same came to be dismissed *vide* order dated 23.06.2026.

15. Petitioner-A2 has also filed another bail petition No.14386 of 2026 before this Court, wherein he has raised a contention that grounds of arrest is not furnished to him in the language understood by him which is violation of Article 22(1) of the Constitution. This Court after going through the record has dismissed the application on 21.09.2026 holding that the petitioner-A2 has not raised the contention that grounds of

arrest were not furnished to him at the time of his remand nor in the two bail applications filed before the District Court.

16.1. In Vijay Pal Singh Vs. State of Haryana[1], 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".

16.2. The same view is taken in B.Balakrishan Vs. State of Andhra Pradesh represented by its Public Prosecutor[2].

17. The changed circumstances after dismissal of the earlier bail petition on 21.09.2026 is that inventory is completed and FSL report is awaited. Furthermore, the police custody of the petitioner-A2 is already over immediately after his remand. There are no criminal antecedents against the petitioner-A2. A1 is also enlarged on bail by the learned Sessions Court *vide* order dated 14.10.2026.

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[1] http://indiankanoon.org/doc/129456629
[2] 2025 SCC OnLine AP 3040

18. Respondent-State has altogether examined 17 witnesses in support of the case and this Court is conscious of the fact that investigation is extended for one more year on the application of the prosecution. As on the date of passing the order, petitioner-A2 is in judicial custody for a period of 194 days. As per the cause title of the petition, petitioner-A2 is resident of Jalore District, Rajasthan State, if stringent conditions are imposed while enlarging on him on bail will meet the ends of justice.

19. In the result, petition is allowed subject to the following conditions:

i. The petitioner-A2 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 learned I Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar.

ii. The petitioner-A2 shall appear before the concerned SHO in between 10:00 a.m. and 5:00 p.m., on every Sunday and Thursday 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-A2 shall not involve in any other similar offence.

iv. The petitioner-A2 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

v. The petitioner-A2 shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses.

vi. In the event of violation of any of the above conditions, the prosecution is at liberty to file an application for cancellation of bail.

Miscellaneous applications, if any pending, shall stand closed.

B.R.MADHUSUDHAN RAO, J

26th October, 2026
PLV

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

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