IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

CRIMINAL PETITION No.17474 of 2026

CNR No.HBHC010730972026

DATED : 06.11.2026

BETWEEN:

Bubu Madakami

... Petitioner-Accused No.3

AND

The State of Telangana,
Rep. by the 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.3 in connection with Crime No.10 of 2026 of P.S. Rachakonda Narcotics, Eagle Force, Abids, Hyderabad. The offences alleged against the petitioner-A3 are punishable under Sections 8(c) r/w 20(b)(ii)(C) and 29 of the Narcotic Drug and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. Heard Sri S.M.Saifullah, learned counsel for petitioner-A3 and Sri D.Arun Kumar, learned Additional Public Prosecutor for respondent - State.

3. Learned counsel for the petitioner submits that petitioner-A3 has been subjected to illegal detention in violation of Article 22(2) of the Constitution of India and Section 58 of the BNSS 2023. As is evident from the prosecution's own record namely the confession-cum-seizure panchnama and remand case diary, the petitioner-A3 along with the co-accused were apprehended and taken into custody on 11.07.2026, whereas the petitioners were admittedly produced before the learned Magistrate and were remanded to judicial custody only on 12.07.2026 far in excess of 24 hours before being produced before the jurisdictional Magistrate. Petitioner-A3 is innocent and has not committed any offence and the embargo contained under Section 37 of NDPS Act is not applicable. The entire case against the petitioner-A3 rests upon the so-called confession-cum-seizure statement said to have been recorded by the S.I of Police at the spot. There is no independent and legally admissible material that the petitioner-A3 had personally negotiated or concluded any sale transaction, received any sale proceeds, or communicated with any prospective purchaser in connection with the alleged contraband. There is non-

compliance of Section 42 of the NDPS Act. Petitioner-A3 is in judicial custody since the above said date and further detention would serve no useful investigative purpose. In support of his contention has relied on the decisions in the cases of (1) T. Ramadevi Vs. State of Telangana[1] (2) Dhaneukula Tharun Teja Vs. The State of Telangana[2], and prayed to enlarge the petitioner-A3 on bail.

4. Learned Additional Public Prosecutor submits that A1-Laxman Kurami informed Komala Khil-A2 (bus driver) and petitioner-A3 (conductor) about transporting ganja in the bus and they agreed to pay Rs.5,000/- to each of them. He further submits that A2 and the petitioner-A3 are aware that A1 has placed the ganja in the bus, and the total contraband is 41.010 kgs. Petitioner-A3 is arrested on 11.07.2026 at about 23.00 hours and produced before the concerned Magistrate within 24 hours. There is no violation of Article 22(2) of the Constitution of India and Section 58 of BNSS.

5. B.Jeevan Reddy, S.I. of Police has lodged a report before P.S. Rachakonda Narcotics on 11.07.2026. It is stated in the complaint that on the above said date at about 13.00 hours, he

[1] CDJ 2024 TSHC 674
[2] Crl.P.No.13269 of 2026 dated 25.08.2026 of the High Court for the State of Telangana, at Hyderabad

received credible information that three employees of Baba Bholanath Private Travel Bus bearing No.OD30H2277, which was halted at Auto Nagar, Vanasthalipuram are about to deliver ganja in Hyderabad to some unknown persons at Auto Nagar near Mahavir Harina Vanasthali National Park, Vanasthalipuram, himself, his clues team and staff rushed to the travel bus and observed that one person is sitting in the driver's seat and two persons were sitting in the bus seat. On questioning A1 - Laxman Kurami, he revealed that he along with the driver and conductor are bringing ganja from Malkangiri, Odisha State. The complaint states that "8 days ago, Nabin met A1 - Laxman Kurami and discussed about transporting ganja to Hyderabad, for which Nabin offered him Rs.1,000/- per kg and he agreed to transport ganja in the bus of Baba Bholanath Pvt. Travel to earn money. On 10.07.2026 between 3 to 5 p.m., when the bus halted at Malkangiri Bus stand, during that time Nabin came with one travel luggage suitcase and one luggage bag containing ganja packets and told him to deliver the same at Hyderabad to known person of Nabin. Nabin informed that after getting down all the passengers, he will wait at Auto Nagar, Vanasthalipuram, his person will collect the ganja suitcase and bag. Upon which A1 - Laxman Kurami kept the ganja containing the suitcase

and bag in the bus left-side dickey and he informed about the transportation of ganja in the bus to Komala Khil (bus driver), Babu Madakami-petitioner-A3 (conductor) and they also expressed their willingness about their commission, he agreed to pay Rs.5,000/- to each. Basing on the said complaint, FIR came to be registered.

6. Petitioner-A3 along with A1 and A2 were arrested on 11.07.2026 at 23.00 hours and produced before the concerned Magistrate on 12.07.2026 for remand.

7. It is one of the contentions of the petitioner's counsel that petitioner-A3 was kept in detention for a period far in excess of 24 hours. Confession cum seizure panchanama commenced on 11.07.2026 at 16.40 hours at Mahavir Harina Vanasthali National Park, Vanasthalipuram, Rangareddy District and completed at 20.20 hours. Arrest-cum-surrender memo of the petitioner-A3 states that he was taken into custody on 11.07.2026 at 16.40 hours and no articles were seized from his possession. Arrest/surrender memo further goes to show that the date and time of the arrest is 11.07.2026 and the timing is at 23.00 hours. Intimation of arrest under Section 47 of the BNSS is given on 11.07.2026 at 23.00 hours to the petitioner-A3. So also intimation under Section 48 of the BNS of

the petitioner-A3 is given to Tutu Gaurda (co-worker), which states that his arrest is affected on 11.07.2026 at 23.00 hours.

8. It cannot be said that petitioner-A3 was produced before the concerned Magistrate far in excess of 24 hours. It is to be noted here that petitioner-A3 has not taken such defense in the bail petition filed before the District Court in Crl.MP.No.1380 of 2026, which came to be dismissed on 03.09.2026. Petitioner-A3 has also not raised any objection at the time of his remand that he has been produced before the concerned Court beyond 24 hours and failed to show that his detention is illegal.

9. The decision cited by the petitioner's counsel in T. Ramadevi[1] and Dhaneukula Tharun Teja[2] are distinguishable from the facts of the case.

10. As per the confessional statement of A1 - Laxman Kurami, it clearly states that Nabin came with a travel luggage suitcase and one luggage bag containing ganja packets, handed over the same to A1 – Laxman Kurami, upon which A1 has kept the ganja containing the suitcase in the bus left-side luggage dickey.

11. Basing on the confession of A1, petitioner-A3 is shown as one of the accused in the present crime.

12.1. In **Tofan Singh Vs. State of Tamil Nadu**[3], Supreme Court held 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.

12.2. The same view is taken in the **State by (NCB) Bengaluru Vs. Pallulabid Ahmad Arimutta & Anr.,**[4].

13. This Court is conscious of the fact that petitioner-A3 is from Odisha State, he has made out a case for grant of bail as he has been arrested on the confessional statement of A1. Hence, the petitioner-A3 is entitled for grant of bail on the following conditions.

i. The petitioner-A3 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 concerned Court.

ii. The petitioner-A3 shall appear before the concerned SHO in between 10:00 a.m. and 5:00 p.m., on every Sunday, Tuesday and Thursday for a period of eight (8) weeks or till filing of charge sheet whichever is

[3] (2021) 4 SCC 1
[4] 2022 Supreme (SC) 56

earlier, for the purpose of investigation and thereafter, as and when required.

iii. The petitioner-A3 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

iv. The petitioner-A3 shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses.

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

14. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

B.R.MADHUSUDHAN RAO, J

6th November, 2026
PLV

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

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