IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION No.17846 of 2026

(CNR.No. HBHC010748442026)

DATED 11.11.2026

Between:

Mohammad Nadeem

..Petitioner-A3

And

The State of Telangana

… 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.3 in connection with Crime No.234 of 2025 of Bhadrachalam Town Police Station, Bhadradri Kothagudem. The offences alleged against the petitioner-A3 are punishable under Sections 8(c) r/w 20(b)(ii) (B), Section 27-A of the NDPS Act, 1985.

2. Heard Sri B. Muralidhar, learned counsel for petitioner, and Sri D. Arun Kumar, learned Additional Public Prosecutor, appearing for respondent.

3. Learned counsel for the petitioner submits that the petitioner-A3 has not committed any offence as alleged by the prosecution, the contraband was said to have been seized on the Motor Cycle and the petitioner-A3 was falsely implicated in the crime, he is nothing to do with the seized contraband. During the course of the investigation, it is revealed that Al and A2 alleged to have confessed to have committed the offence along with the petitioner-A3. Except the confessional statement there is no iota of evidence to connect the petitioner-A3 with the case. Police has completed the investigation and the seized contraband is only 8.730 kgs of Ganja which is less than commercial quantity. Bail application filed by the petitioner-A3 before the learned Sessions Court came to be dismissed on 16.10.2026 and prayed to enlarge the petitioner-A3 on bail.

4. Learned Additional Public Prosecutor submits that the petitioner-A3 is involved in three other crimes and charge sheet is filed in two crimes and they are numbered as S.C.No.2137 of 2024 of P.S. Warasiguda, S.C.No.4345 of 2025 of Masab Tank P.S., the cases are under NDPS Act and in Crime No.381 of 2024 of P.S. Bhadrachalam town, charge sheet is filed, PRC number is awaited.

5. The complainant along with his staff apprehended A1 and A2 on 11.09.2025 in front of RTO Office, Kunavaram Road,

Bhadrachalam Town, while they were transporting ganja in Honda Activa Motor Cycle Bearing No.TS 10FB-3390, on interrogation they stated that A3 is entitled to receive the same. Basing on the said complaint, FIR came to be registered.

6. On the confession of A1 and A2, the petitioner-A3 is added in the crime.

7. Petitioner-A3 is arrested and remanded to judicial custody on 07.10.2026. Respondent has altogether examined 17 witnesses in support of the case.

8. In so far as S.C.No.2137 of 2024 and S.C.No.4345 of 2025 and Crime No.381 of 2024 of different police stations. Petitioner counsel on instructions submits that the petitioner-A3 is enlarged on bail.

9. Petitioner-A3 has filed Crl.M.P.No.1032 of 2026 for grant of regular bail before the learned Sessions Court, which came to be dismissed vide order dated 16.10.2026 with an observation that it cannot be concluded at this stage that the accused person is not guilty of the offence and he is not likely to commit any offence while on bail.

10. Admittedly the contraband is seized from the possession of A1 and A2 which is 8.730 kgs of ganja, which falls under intermediate quantity.

11. In Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1, 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 and the same view is taken in the State by (NCB) Bengaluru Vs. Pallulabid Ahmad Arimutta & Anr., 2022 Supreme (SC) 56.

12. Basing on the confession of A1 and A2, petitioner is shown as A3. Hence, petitioner-A3 is entitled to be enlarged on bail, subject to the following conditions:

i. The petitioner-A3 shall execute a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties for a like sum each to the satisfaction of the learned Judicial First Class Magistrate, at Bhadrachalam.

ii. The petitioner-A3 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-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. The petitioner-A3 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

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