IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

CRIMINAL PETITION No.17956 of 2026
(CNR No.HBHC010752052026)

DATE: 18.11.2026

BETWEEN:

Chawan Prabhu ....Petitioner-Accused No.1

And

The State of Telangana
Rep. by its Public Prosecutor,
Through the Prohibition & Excise Station,
Narayankhed, Sangareddy District,
Telangana. ....Respondent-Complainant

O R D E R

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.1 in connection with COR.No.43 of 2026 of Prohibition and Excise Station Narayankhed, Sanga Reddy District, Telangana. The offences alleged against the petitioner-Accused No.1 are punishable under Sections 8(c) r/w 20(b)(ii)(C) of the NDPS Act.

2. Heard Sri A. M. Vineeth Kumar Goud, learned counsel for petitioner and Sri M. Vivekananda Reddy, learned Assistant Public Prosecutor, appearing for respondent – State.

3. The brief facts of the case are that on 31.05.2026 at about 02.00 a.m, on credible information, Prohibition and Excise, DTF Sangareddy team conducted route watch on the road leading from Abbenda to Narayankhed and detected a case of illegal transportation of Dry Ganja by Accused Nos.1 and 2. Accordingly the entire contraband of 30.354 Kgs was seized from the possession of Accused Nos.1 and 2, who have voluntarily confessed their guilt. Basing on the said complaint, FIR came to be registered and thereafter, petitioners-accused Nos.1 and 2 were arrested and remanded to judicial custody on 31.05.2026.

4. Learned counsel for the petitioner submitted that the officials have seized 18.530 Kgs of dry ganja from the possession of accused No.1 and 11.824 Kgs of dry ganja from the possession of accused No.2, thus, the alleged contraband recovered from the possession of the petitioner is only 18.530 kgs of dry ganja, which constitutes an intermediate quantity. He further submits that the petitioner has no criminal antecedents and is a hardworking individual engaged in agriculture in the Narayankhed area, leading a modest life in society. He contended that Section 29 of the NDPS Act has not been invoked and that neither any conspiracy between the petitioner/Accused No.1 and Accused No.2 has been established nor can the alleged contraband seized from the possession of

Accused No.1 be clubbed with the contraband allegedly seized from the possession of Accused No.2. In support of his contentions, learned counsel relies upon the decision of the Hon'ble Supreme Court in *Nadeem Ahamed v. The State of West Bengal*[1], wherein it is observed that merely because two accused persons, walking side by side, were apprehended simultaneously while each was carrying a narcotic drug concealed on their person, such coincidental circumstances, by themselves, would not give rise to an inference that either of them had knowledge of the contraband being carried by the other. The Court further observed that such circumstances may give rise to suspicion; however, suspicion, howsoever strong, cannot take the place of proof. Accordingly, the separate recoveries made from the two accused cannot be clubbed together in the absence of material establishing their knowledge of, or involvement in, the possession of the contraband carried by each other, so as to convert the individual recoveries into a commercial quantity.

5. Learned Assistant Public prosecutor submitted that that accused is found in possession of ganja and the investigation is under progress. He further submitted that accused No.2 has filed a Crl.P.No.16069 of 2026 before this Court and the same was dismissed, hence, prayed to dismiss the petition.

[1] 2025 INSC 993

6. A perusal of the crime occurrence report dated 31.05.2026 makes it evident that the Excise officials seized a total contraband of 30.354 kgs of dry ganja from the possession of petitioner-Accused No. 1 and Accused No. 2. The contention of petitioner-Accused No. 1 that he was carrying only 18.530 kgs of dry ganja, which falls below the commercial quantity, cannot be accepted merely because the contraband was physically recovered from each of the accused individually. It is pertinent to note that both the accused purchased the contraband from the same vendor, namely Jadav Vishwanath, and were apprehended together at the same time and place. These facts prime facie establish a conspiracy between Accused Nos. 1 and 2 in securing the contraband. Merely because the investigating agency did not initially invoke Section 29 of the NDPS Act, it cannot be concluded at this stage that there is no conspiracy among Accused Nos. 1 to 3. It is settled law that a charge of criminal conspiracy can be added subsequently during the course of the trial, provided it is done before the final judgment is pronounced. Therefore, the decision relied upon by the petitioner is distinguishable on facts and is inapplicable to the present case, particularly when the aggregate contraband seized from the petitioner and Accused No. 2 constitutes a commercial quantity.

7. The contraband seized from the possession of the petitioner/Accused No.1 and Accused No.2, when taken together, constitutes a commercial quantity. Hence, the rigours of Section 37 of the NDPS Act are applicable to the facts and circumstances of the present case. The petitioner/Accused No. 1 failed to satisfy the mandatory conditions stipulated under Section 37 of the NDPS Act and has not made out any valid grounds for grant of bail and thereby the criminal petition is liable to be dismissed.

8. Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications, if any pending, shall stand closed.

VAKITI RAMAKRISHNA REDDY, J

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