IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION No.17984 of 2026

(CNR.No. HBHC010755452026)

DATED 06.11.2026

Between:

1.Toshif Shekh
2.Md. Akib Ali

..Petitioners-A1 and A2

And

The State of Telangana,
Through Proh. & Excise Station,
Khammam-I,
Rep. by its Public Prosecutor,
High Court at Hyderabad. ... 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 petitioners on bail who are arrayed as accused Nos.1 and 2 in connection with COR. No.106 of 2026 of Prohibition and Excise Station, Khammam-I, Khammam District. The offences alleged against the petitioners-A1 and A2 are punishable under Sections 8(c) r/w 20(b)(ii)(B) of the NDPS Act, 1985.

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

3. Learned counsel for the petitioners submits that petitioners-A1 and A2 have not committed any offence as alleged by the prosecution, the ganja was not seized from their possession at any point of time and they are implicated in a false case. Mandatory provisions of search and seizure under NDPS Act are not followed. Petitioners-A1 and A2 were arrested and remanded to judicial custody on 07.10.2026. Bail application filed by the petitioners-A1 and A2 before the learned Sessions Court came to be dismissed on 27.10.2026, entire investigation is completed and prayed to enlarge the petitioners-A1 and A2 on bail.

4. Learned Additional Public Prosecutor submits that the contraband seized from the possession of the petitioners-A1 and A2 is 19 kgs of dry ganja in total from two bags and inventory is completed on 23.10.2026.

5. COR dated 07.10.2026 goes to show that P & ESI and RPF Khammam I, has apprehended the petitioners-A1 and A2 and seized two bags which contains 19 kgs of dry ganja.

6. Petitioners-A1 and A2 were arrested and remanded to judicial custody on 07.10.2026.

7. Petitioners-A1 and A2 have filed Crl.M.P.No.1087 of 2026 in COR.No.106 of 2026 for grant of regular bail before the learned Sessions Court, which came to be dismissed vide order dated 27.10.2026 with an observation that the petitioners-A1 and A2 are from outside state and they have not made out sufficient grounds for grant of bail.

8. Inventory is completed on 23.10.2026, the contraband which is seized from the petitioners-A1 and A2 falls in the intermediate quantity.

9. This Court is conscious of the fact that petitioners-A1 and A2 are from Jharkhand State, they have made out a case for grant of bail and if local sureties are ordered will meet the ends of justice. Hence, petitioners-A1 and A2 are entitled to be enlarged on bail, subject to the following conditions:

i. The petitioners-A1 and A2 shall execute a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, with two local sureties for a like sum each to the satisfaction of the learned Special Judicial Magistrate of First Class (for Proh. & Excise Cases) at Khammam.

ii. The petitioners-A1 and A2 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 petitioners-A1 and A2 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

iv. The petitioners-A1 and A2 shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses.

v. The petitioners-A1 and A2 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.

10. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

B.R.MADHUSUDHAN RAO, J

Date: 06.11.2026
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