IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

Crl.P.No.18038 of 2026

(CNR No.HBHC010756382026)

DATED: 11th NOVEMBER, 2026

Between:

Shila Samesh @ Chotu Bai @ Chottu

... Petitioner-Accused No.3

And

The State of Telangana,
Rep. by its Public Prosecutor

... Respondent

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.28 of 2026, P.S. Tekulapally, Bhadradri Kothagudem. The offences alleged against the petitioner-A3 are under Sections 8(c) r/w 20(b)(ii)(C), 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. Heard Sri B.Muralidhar, learned counsel for the petitioner-A3, Sri D.Arun Kumar, learned Additional Public Prosecutor for respondent - State.

3. Learned counsel for the petitioner submits that during the course of investigation, it is revealed that A1 and A2 alleged to have confessed to have committed the offence along with the petitioner-A3. Except the confessional statement of A1 and A2, there is no iota of evidence to connect the petitioner-A3 in the case. Mandatory provisions of search and seizure are not followed. Police has completed the investigation and also examined LWs.1 and 2. Petitioner-A3 is running a Fruit shop business and eking out his livelihood by depending on his income. The contraband which is seized from A1 and A2 is 30.780 kgs which is commercial quantity. Bail applications filed by the petitioner-A3 before the District Court came to be dismissed on 13.10.2026. A1 is enlarged on bail on 20.05.2026, A2 is enlarged on bail on 06.05.2026 and A4 is enlarged on bail on 18.05.2026. Entire investigation is completed and prayed to enlarge the petitioner-A3 on bail.

4. Learned Additional Public Prosecutor submits that charge sheet is filed against A1, A2 and A4 *vide* SC No.26 of 2026. On the date of remand of A1 and A2, A3 was shown as

absconding. Petitioner-A3 is involved in SC No.128 of 2023 in an NDPS case of P.S. Afzalgunj and prayed to dismiss the petition.

5. A.Rajendar, S.I. of Police has filed complaint before P.S. Tekulapalli on 15.02.2026. It is stated in the complaint that on the above said date at about 17:51 hours at the outskirts of Venkataya Thanda Village near the road leading to Narsayigudem, they apprehended A1 and A2 while they were transporting ganja in Auto bearing No.TS 05 UA 7314 and seized 30.780 kgs in the presence of mediators. Based on the said complaint, FIR came to be registered.

6. A1 and A2 are arrested and remanded to judicial custody on 15.02.2026. A1-Ramavath Ramesh is enlarged on bail by the learned Sessions Court in Crl.MP.No.385 of 2026 on 20.05.2026, A2-Gopal Kumar Saha is enlarged on bail by the learned Sessions Court in Crl.MP.No.335 of 2026 dated 06.05.2026 and A4-Bharat Singh is arrested and remanded to judicial custody on 01.03.2026, he is also enlarged on bail by the learned Sessions Court in Crl.MP.No.375 of 2026 dated 18.05.2026.

7. Police has filed charge sheet against A1, A2 and A4 and the same is numbered as SC.No.26 of 2026.

8. Petitioner-A3 is involved in SC.No.128 of 2023 in an NDPS case of Afzalgunj P.S. Learned counsel for the petitioner-A3 on instructions submits that petitioner-A3 is already enlarged on bail in the above said crime.

9. Contraband is seized from the possession of A1 and A2 (30.780 kgs of ganja). Petitioner-A3 is arrested basing on the confessional statement of the co-accused.

10.1. In **Tofan Singh Vs. State of Tamil Nadu**[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.

10.2. The same view is taken in the **State by (NCB) Bengaluru Vs. Pallulabid Ahmad Arimutta & Anr.,**[2].

11. Only supplementary charge sheet has to be filed against the petitioner-A3 as already charge sheet came to be filed against A1, A2 and A4. This Court is conscious of the fact that petitioner-A3 is from Odisha, if local sureties are ordered, while enlarging him on bail will meet ends of justice. Since investigation is at the fag end, detaining the petitioner-A3 further in judicial custody will not serve the purpose.

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[1] (2021) 4 SCC 1
[2] 2022 Supreme (SC) 56

12. Accordingly, petition is allowed subject to 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 learned Judicial Magistrate of First Class at Yellandu.

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

iii. The petitioner-A3 shall not involve in similar offences.

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

v. The petitioner-A3 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

11th November, 2026
PLV

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