IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

CRIMINAL PETITION No.18069 of 2026
(CNR No.HBHC010758142026)

DATED: 23.11.2026

BETWEEN:

Thorri Venkatesham .... Petitioner/Accused No.1

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana,at Hyderabad, through the Station House Officer, Madhapur Police Station, Cyberabad. .... Respondent/Complainant

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking to enlarge the petitioner, who is arrayed as accused No.1 in Crime No.1169 of 2026 of Madhapur Police Station, on bail. The said crime was registered for the offences punishable under Sections 8 (c) read with Section 20 (c) of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act').

2. The brief facts of the prosecution case are that the petitioner/Accused No.1, who is the Proprietor of Prime Pharmacy situated at Sai Nagar, Ayyappa Society, Madhapur, was indulged in illegal procurement, possession and sale of Pyeevon Spas Plus Tablets

containing Tramadol Hydrochloride 50 mg, which is a psychotropic substance under the provisions of the NDPS Act. The investigation disclosed that Accused No.1 being a qualified pharmacist, fully aware that Tramadol Hydrochloride could be sold only on the basis of a valid prescription issued by a registered medical practitioner and that proper purchase of invoices, stock registers and statutory records were mandatory, however, he deliberately and clandestinely supplying Tramadol Hydrochloride in bulk without issuing any lawful purchase bills, tax invoices or statutory documents. The accused No.2 is alleged to be the supplier of the contraband and accused No.3 is the person, who delivers the contraband to the customers.

3. Heard Mr. SM Saifullah, learned counsel for the petitioner and Mr. M. Vivekananda Reddy, learned Assistant Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner contended that the contraband seized in the instant case i.e., Tramadol capsules are considered to be medicine and it does not fall under any of the categories of narcotic drugs and psychotropic substances. It is further submitted that the petitioner has been in judicial custody since 05.08.2026 and that he was falsely implicated in the instant case.

5. On the other hand, the learned Assistant Public Prosecutor has opposed the bail and contended that the bail application filed by the Accused No.2 was already dismissed by this court vide order dated 16.10.2026 in CRLP No.16963 of 2026, wherein it was observed that Accused No.1 in conspiracy with Accused No.2 and the active assistance of Accused No.3 is engaged in illegal sale of Tramadol Hydrochloride tablets without lawful authority. It is further contended that long incarceration is not a ground for grant of bail and thus, prayed for dismissal of the criminal petition.

6. It is not in dispute that the petitioner/accused No.1 is a licensed pharmacist *vide* License No. TG/MDL/2025-130143, which is valid up to the year 2030. The sole allegation revealed from the complaint or remand case diary is that the petitioner/accused No.1 was stocking bulk capsules i.e., Pyeevon Spas Plus, which in fact contains combination of different drugs like Dicyclomine HCl, Tramadol HCl & Acetaminophe and by going through the allegations even if the petitioner/Accused No.1 has violated any of the provisions by stocking the stock without maintaining any invoices or record, it amounts to violation of the provisions of Drugs and Cosmetics Act but not NDPS Act. In this connection, the learned counsel for the petitioner placed reliance upon a decision of the High Court of Tripura, Agartala in *Sri*

Ramu Saha v. The State of Tripur[1], wherein it was held that the penal provisions under NDPS Act do not attract to a composite form of a capsule which has been approved by the government and duly manufactured by pharmaceutical company under valid authorization by the government and which is available in the open market through the authorized medical store, it cannot be said that the capsule is a narcotic drug and ignoring the other composition like Hydrochloride, Dicyclomine Hydrochloride and Chlorpheniramine Maleate. The learned counsel for the petitioner further placed reliance upon the decision of the High Court of Delhi in *Vijay Prakash Goel v. Mr. Prabir Kumar Mitra*[2], wherein it was observed that no case has been made out that such substances (Tramadol) which have been seized were not for medicinal or scientific purposes and that inspite of repeated opportunity provided no material could be produced to show that there is any ceiling limit of storage of a person having valid license.

7. A perusal of the dismissal order dated 16.10.2026 passed by this Court while dismissing the bail application filed by the accused No.2, it was specifically observed that Accused No.1 has been purchasing bulk quantities of Pyeevon Spas Plus capsules from accused No.2 and stocking the same in his medical shop without maintaining any statutory records and thereafter he used to sell the

[1] High Court of Tripura: CRLP No.4 of 2022 decided on 04.03.2022
[2] High Court of Delhi: CRM (NDPS) 1250 of 2025 decided on 16.02.2026

tablets to customers without doctor's prescriptions at inflated prices. As rightly contended by the learned counsel for the petitioner, stocking and selling of Pyeevon Spas Plus capsules at inflated prices without maintaining any statutory records, does not by itself constitute any offence under NDPS Act but it would amount to violation of the provisions of Drugs and Cosmetics Act. In this connection, the learned counsel for the petitioner placed reliance upon the decision of the High Court of Panjab and Haryana in *Gaurav Dhiman v. State of Punjab*[3], wherein it was observed that possessing tramadol/capsules would be violation of the provisions of the Drugs and Cosmetics Act and not under NDPS Act.

8. Considering the aforesaid facts and circumstances of the case and in view of the principle laid down in the aforesaid decisions, this Court is inclined to grant bail to the petitioner, however, subject to the following conditions:

(i) The petitioner-Accused No.1 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Thousand only) with two sureties for a like sum each to the satisfaction of the learned

i. The petitioner-A1 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each to the

[3] High Court of P & H: CRM-M-157 of 2015 decided on 15.05.2015

satisfaction of the learned II Additional Junior Civil Judge – cum – X Additional Judicial First Class Magistrate, Ranga Reddy District at Kukatpally, Cyberabad. .

ii. The petitioner-A1 shall appear before the concerned SHO between 10:00 a.m. and 5:00 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-A1 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

iv. The petitioner-A1 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.

9. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

VAKITI RAMAKRISHNA REDDY, J

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