IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

CRIMINAL PETITION No.18204 of 2026
(CNR.No.HBHC010762532026)

DATED: 17.11.2026

BETWEEN:

Sakat Makkan Lal .... Petitioner/Accused No.7

AND

The State of Telangana,
Rep., by its Public Prosecutor,
High Court for the State of Telangana,
at Hyderabad.

.... Respondent

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.7 in F.I.R.No.228 of 2026 of Habeebnagar Police Station, Hyderabad District on bail. The said crime was registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25, 29 and 27(A) of the NDPS Act, 1985.

2. The brief facts of the case are that, on 12.09.2026, upon receipt of credible information, the investigating agency apprehended accused Nos.1 to 4 and seized 21 kgs of ganja by following due procedure. During the course of investigation it has come to the notice of the investigating agency that the other accused

including the petitioner herein were also allegedly involved in the commission of the offence.

3. Heard Sri Abdul Azam Khan, learned counsel representing Sri L. Ram Singh, learned counsel on record for the petitioner and Sri M. Vivekananda Reddy, learned Assistant Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner-A7 is innocent and he was falsely implicated in the said Crime though the petitioner did not commit any offence and that the alleged contraband was not recovered from the possession of the petitioner-A7. Learned counsel further submits that the petitioner has been implicated in the present case solely on the basis of the confession statement of the co-accused and no independent material is available to establish his alleged involvement in the offence. In this regard learned counsel relies upon the law laid down by the Hon'ble Supreme Court in ***Toofan Singh Vs. State of Tamil Nadu***[1], and contended that confession of co-accused is inadmissible in evidence. Therefore, no *prima facie* case is made out against the petitioner and the rigors of Section 37(a)(ii) of the NDPS Act, would not operate against him. It is further submitted that the material part of the investigation has almost been completed, as such,

[1] AIR 2020 SUPREME COURT 5592

detention of the petitioner-A7 is not required, therefore, prayed the Court to grant bail to the petitioner-A7 by allowing this criminal petition.

5. On the other hand, learned Assistant Public Prosecutor opposed for grant of bail to the petitioner-accused on the ground that the contraband involved in the present case is commercial quantity.

6. As seen from the remand case diary, the only allegation leveled against the petitioner/accused No.7 is that he is one of the four persons, who are in contact with Accused No.6. The petitioner herein was arrayed as accused No.7 based on the confession of Accused No.1. In view of the principle laid down in *Toofan Singh's case (supra)*, confession of co-accused is inadmissible. Moreover, no contraband has been seized from the possession of petitioner/accused No.7. Furthermore, the accused Nos.18 and 19 were enlarged on bail by the trial Court on the ground that no contraband was seized from them.

7. The learned counsel for the petitioner has placed on record some of the interim orders passed by this Court in W.P. No.30374 of 2024, Contempt Case No.1493 of 2025, W.P. No.4639 of 2024, CRLP No.39 of 2022, 154 of 2022, W.P.No.6266 of 2022, wherein the

Police authorities were directed not to interfere with the personal liberty of the petitioner and his family members.

8. As evident from the interim order dated 17.03.2025 passed in CRLP No.154 of 2022, it appears that the complaint in C.C. No.12725 of 2021 on the file of learned XVI Additional Chief Metropolitan Magistrate at Hyderabad was registered as a counter blast to the complaint lodged before Human Rights Commission by the father of the petitioner herein against the Sub Inspector of Police, Habeebnagar Police Station for misbehaving with the father of the petitioner and the women at their home when the father of the petitioner refused to withdraw the complaint lodged by him. At this juncture, it is apposite to refer to the interim order dated 02.11.2020 passed by the learned Telangana State Human Rights Commission, wherein the Inspector of Police, Habeebnagar Police Station was directed that he shall not take the petitioner to the police station unless he is required in any criminal case registered against him.

9. As seen from the aforesaid discussion, it is apparent that some previous disputes existing between the police officials of Habeebnagar Police Station and the Petitioner and his family members since the year 2020.

10. In the light of the submissions made by both the learned counsel and upon perusal of the material available on record, it appears that the petitioner herein is in judicial custody from 04.10.2026. As seen from the remand case diary, the prosecution witnesses (LWs.1 to 18) have already been examined.

11. Considering the facts and circumstances of the case, the nature of the allegations, the stage of investigation and the duration of incarceration and since no contraband is recovered from the possession of the petitioner/accused No.7 and as the petitioner herein was involved in the instant case only based on the confession of co-accused, which is inadmissible, this Court finds it appropriate to grant bail to the petitioner-A7, subject to the following conditions:

i. The petitioner-A7 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 satisfaction of the learned XVI Additional Chief Judicial Magistrate at Nampally, Hyderabad.

ii. The petitioner-A7 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-A7 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

iv. The petitioner-A7 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.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

VAKITI RAMAKRISHNA REDDY, J

Date: 17.11.2026
dpm

THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

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