

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.17784 of 2025

DATE: 05.01.2026

BETWEEN:

Hemsingh Kachhawa

.....Petitioner/Accused No.3

And

The State of Telangana,
Through P.S. Begum Bazar,
Rep. by Public Prosecutor,

.....Respondent/complainant

ORDER

This Criminal Petition is filed praying this Court to enlarge the petitioner on bail who is arrayed as accused No.3 in Crime No.125 of 2025 of Begumbazar Police Station, Hyderabad, registered for the offence punishable under Sections 8(c) read with 22(c), 27, 27(A) and 29 of NDPS Act and Section 25(1)(a) of Arms Act.

2. The brief facts of the case are that on 22.07.2025, the Sub-Inspector of Police, Begum Bazar, Hyderabad, received credible information and apprehended three accused persons near Shezan Hotel, Nampally, for possession and sale of Mephedrone (MD drug). During the search, 100 grams of MD drug, three mobile phones, and a country-made pistol with live rounds were allegedly seized.

3. Heard Ms. Swathi Sharma, learned counsel appearing on behalf of the petitioner as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing on behalf of the respondent - State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent of the said allegations and was falsely implicated solely on the basis of the alleged confessional statement of the co-accused, which had no evidentiary value in view of **Tofan Singh v. State of Tamil Nadu**¹. She further submitted that the quantity attributed to the petitioner was only 30 grams, an intermediate quantity, and therefore, the bar under Section 37 of the NDPS Act was not attracted. He contended that the petitioner had no criminal antecedents, had been in custody since 23.07.2025, and the investigation was

¹ (2021) 4 SCC 1

substantially completed. Therefore, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the petitioner is a drug peddler. He further submitted that the investigation is in progress and if the petitioner is released on bail, at this stage, he may tamper with the evidence and may threaten the witnesses. Hence, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and a perusal of the material available on record, it appears that the petitioner is in jail since 23.07.2025. As seen from the record, the material part of the investigation has been completed and L.Ws.1 to 13 witnesses have been examined. Considering the facts and circumstances of the case and the incarceration period of the petitioner, this Court deems it fit to grant bail to the petitioner, subject to the following conditions:

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

satisfaction of the learned XVII
Additional Chief Judicial Magistrate at
Hyderabad.

- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) week or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 05.01.2026

ss

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