IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

CRIMINAL PETITION No.19376 of 2026
(CNR No.HBHC010811372026)

DATED: 25.11.2026

BETWEEN:

Koduru Srivardhan Reddy .... Petitioner/Accused No.2

AND

The State of Telangana,
Rep., by its Public Prosecutor,
High Court for the State of Telangana,
Hyderabad, through Prohibition & Excise Station,
Uppal, Medchal-Malkajgiri District.
.... 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.2 in C.O.R. No.49 of 2026 of Prohibition and Excise Station, Uppal, Medchal-Malkajgiri District on bail. The said crime was registered for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(A) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The prosecution case is that on 22.09.2026 at about 12:30 AM, the State Task Force P & ESI, along with the panch witnesses, conducted a raid at the place mentioned in Column

No.2 and seized the contraband from the possession of the accused. Based on the confession of the accused, they were arrested, and the contraband was seized under the cover of a panchanama. Thereafter, the case papers, seized property and accused were handed over to the Excise Station, Uppal, whereupon a case was registered and the accused, along with the case papers, were produced before the learned Magistrate.

3. Heard Sri Krishna Sankya Talluri, learned counsel representing Sri E. Venkata Siddhartha, 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-A2 was arrested and remanded to judicial custody on 22.09.2026 and has been in judicial custody, for the past 65 days. It is further stated that this Court, *vide* order dated 30.10.2026 in Crl.P. No.16913 of 2026, granted bail to Accused No.1 in the same crime, having noticed non-compliance with the mandatory requirements of furnishing written grounds of arrest under Section 47 of BNSS and Section 52 of the NDPS Act. Relying upon the decisions in *Vihaan Kumar v. State of Haryana*[1]

[1] (2025) 5 SCC 799

and *Mudhigonda Eshwar v. State of Telangana*[2], it was contended that the said legal position equally applies to the petitioner.

5. It is further submitted that, in view of the subsequent order granting bail to the co-accused and the failure to consider the violation of Article 22(1) of the Constitution of India and the relevant statutory provisions, the present petition is maintainable in terms of *Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav*[3]. Therefore, learned counsel prayed that this Court may be pleased to grant bail to the petitioner-A2 on the ground of parity by allowing the present Criminal Petition.

6. On the other hand, learned Assistant Public Prosecutor opposed for grant of bail to the petitioner-A2.

7. 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 since 22.09.2026. The contraband which seized from Accused Nos.1 and 2 is 9.6 grams of OG Kush and 14 grams of MDMA. As stated supra, the learned counsel for the petitioner vehemently contended that the investigating agency failed to comply with the provisions Section 47 of BNSS and Section 52 of the NDPS Act.

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[2] 2026 (3) ALD (Crl) 189 (TS)
[3] (2004) 7 SCC 528

Respondent has not placed any material to show that written grounds of arrest were served on petitioner-A2. Further, it is evident that vide order dated 30.10.2026 in Crl.P. No.16913 of 2026, bail was granted to Accused No.1 in the same crime. Petitioner-A2 is entitled to be enlarged on bail on the ground of parity, however, subject to the following conditions:

i) The petitioner-A2 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 II Additional Junior Civil Judge-cum-VI Additional Judicial Magistrate of First Class, Medchal Malkajgiri District at Medipally.

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

iv) The petitioner-A2 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.

8. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

VAKITI RAMAKRISHNA REDDY, J

Date: 25.11.2026
dpm

THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

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