

IN THE COURT OF THE I ADDITIONAL SESSIONS JUDGE : HYDERABAD**Present : Vinod Kumar****I Additional Sessions Judge,
Hyderabad.****Dated this the 19th day of January, 2026****Criminal M.P.No. 66/2026****in****Cr.No.355/2025 of P S. Saifabad, Hyderabad.****Between :**

Mohammad Gulam Jilani
S/o Mohammed Mansur Khan,
age: 42 yrs, Occ: Pvt job,
R/o H No. 3-34, Manoharabad,
Toopran Mandalam, Medak District.

....Petitioner/Accused No.1**AND**

State of Telangana through
PS. Saifabad, Hyderabad.

.....Respondent/Complainant

This petition is coming for hearing before me on this day i.e., 19/01/2026 in the presence of Sri Syed Zain Ul Abiden, Counsel for the Petitioner/Accused No.1 and Sri. A. Rami Reddy Additional Public Prosecutor for the Respondent/State and having heard the matter and stood over for consideration till this day, this Court has made the following:

O R D E R

1) This is the Second Bail petition filed by the Petitioner/A1 under Sec. 483 of B.N.S.S to grant bail in Cr.No.355/2025 of P.S. Saifabad, Hyderabad for the offence under Sec. 8(c) r/w. 20(b)(ii)(B), 21(b), 27(a)(b) of NDPS Act, 1985.

2) The brief facts of the prosecution case are:

On 04-12-2025, at 19.10 hrs, the Sub Inspector PS.Saifabad Hyderabad, along with other staff conducted patrolling duty at near New Ambedkar Statue, Khairtabad, Hyderabad and apprehended the Petitioner/A1 and other two Accused and seized 100 gms of Heroin and 1 Kg of Ganja and recorded their confession, where under the involvement of the other accused has come to light. The Police registered the case in Cr.No.355/2025 of P.S.,Saifabad, Hyderabad for the offence under Sec. 8(c) r/w. 20(b)(ii)(B), 21(b), 27(a)(b) of NDPS Act, 1985 and investigated into the matter.

3) Heard the arguments of both sides.

4) The point for consideration is “Whether the Petitioner/ A1 is entitled for bail as prayed for ?”

5) **Point:** The learned counsel for the Petitioner/ A1 contended that the Petitioner/ A1 has been falsely implicated in the case. It is stated that Petitioner/Accused No.1 has no criminal background. He comes from a respectable family. There is no previous criminal case registered against the Petitioner/A1, According to the FIR and remand case diary, the statements of panchanama witnesses have already been recorded, the entire investigation is almost completed, and there is no need to keep the Petitioner/A1 in judicial custody anymore. Only FSL (Forensic Science Laboratory) report and charge sheet are pending, If the petitioner is kept in custody, he cannot prove innocence properly. If bail is granted, the petitioner will follow all court conditions, cooperate with the investigation, and appear whenever directed by the court, the Petitioner/A1 also submits that about grant of bail (NDPS cases) This point says that normally bail should be granted, not refused. The High Court has powers under Section 439 CrPC to grant bail. These powers are not restricted, except that the court must follow the conditions mentioned in Section 20(b)(ii)(b) of the NDPS Act. In Mohan Lal and Another Vs. State of Himachal, the Supreme Court explained that the word “possession” does not always mean the same thing. For an offence under Section 20(b) NDPS Act, possession must be conscious possession. The person must know that the illegal substance is in his possession Mere custody without knowledge is not enough, Once possession is shown, the accused must explain that it was not conscious possession, because how he got it is within his special knowledge. Sections 35 and 54 of NDPS Act allow the court to presume guilt, but this presumption can be challenged, the court also said: In a public transport vehicle, standards are different, In a private vehicle with known persons, standards are stricter

6) Different types of possession (Mohan Lal case), The Supreme Court said “possession” can mean: Physical possession with intention (animus), Control or custody with intention, Control over hidden substance, Personal knowledge that contraband exists and intention based on that knowledge, No recovery from the petitioner/A1 This point clearly states that: Not a single line in the case says that the alleged substance was recovered from the petitioners. Therefore, the accusation

is arbitrary and unsupported. The prosecution says A1 is carrying the alleged contraband, but A1 is falsely implicated. Police did not serve mandatory notices under law (Sections 41(A), 50(A), etc.). While arresting Petitioner/A1, police violated legal procedures and Supreme Court guidelines (Arnesh Kumar case). Petitioner/A1 was not given any chance to explain, which is against law. The petitioner (accused) is neither in possession of nor consumed the alleged substance.

7) The petitioner/A1 has no connection at all with the offence claimed by the prosecution. Despite this, the petitioner/A1 has been kept in judicial custody since 04-12-2025 for a crime not committed by him. Police have already examined witnesses and the investigation is almost complete. Only charge sheet filing and FSL report are pending. Therefore, there is no necessity to keep the petitioner in jail for further investigation. The petitioner is ready to give sureties. The petitioner/A1 promise to attend court on every hearing date. He also agree to follow all bail conditions if bail is granted. (Supreme Court Judgment) The Supreme Court in Bhagirath Singh Jadeja vs State of Gujarat (1984) held that: Bail should not be treated as punishment. The main question is whether the accused will appear for trial, Even if a prima facie case exists, detention should not be automatic, This principle has also been followed by the Orissa High Court.

8) On the other hand, the learned Additional Public Prosecutor filed counter and opposes bail stating that the petition is not maintainable in law or facts. The case was properly registered under the NDPS Act and all legal procedures were followed. The accused A1 to A3 were caught red-handed with Ganja and Brown Sugar (Heroin). The Petitioner/A1 confessed to possessing and selling the drugs and admitted that Petitioner/A1 is the main supplier to A2 and A3, who are also the pedlers of Ganja, Heroin and other NDPS Drugs, The Hon'ble Court has already granted police custody of the accused for two days on 11-01-2026 and 12-01-2026. The main kingpins are still absconding and further investigation is required to identify other accused. The accused has no permanent address in Hyderabad and may abscond or repeat the offence if released on bail. Hence, bail should be rejected.

9) Considering the submissions made by both counsel and a perusal of material on record reveals that, petitioner/Accused No.1 is in judicial custody since 04-12-2025.

As per remand case diary, petitioner is alleged to be illegal seller of ganja, and entire contraband seized was of 100 grams of Heroin and 1 kg of ganja which was Intermediary quantity. Substantial investigation pertains to this petitioner seems to have been completed. As material portion of investigation seems to have been completed, further detention of petitioner seems to be no more required, and no harm and prejudice would be caused to the prosecution if the petitioner is enlarged on bail, Thus, this court is inclined to allow the petition on the following conditions:

10) Accordingly, the Petitioner/A1 is ordered to be enlarged on bail on executing personal bond for Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties for the like sum to the satisfaction of I Addl. Chief Judicial Magistrate, Hyderabad and on following conditions.

(i) That the Petitioner/A1 shall appear before the SHO, PS. Saifabad, Hyderabad on every Saturday in between 10-00 AM to 12-00 Noon for a period of Three months or till filing of charge sheet, which ever is earlier.

(ii) That the Petitioner/A1 shall cooperate the Investigating Officer in all possible and permissible means.

11) **In the result**, the petition is allowed on above terms.

Typed to my dictation by the Typist, of this court, corrected and pronounced by me in the open Court, on this the 19th day of January, 2026.

**I ADDITIONAL SESSIONS JUDGE,
HYDERABAD**

Copy To :

1. The Sessions Judge, Hyderabad.
2. The I Addl. Chief Judicial Magistrate, Hyderabad.
3. Sri Syed Zain Ul Abiden, Counsel for the Petitioner/Accused No.1
4. The SHO PS. Saifabad, Hyderabad.