

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 5807 OF 2026

Between:

1. Anirudh Agarwal, S/o. Sri. Shiv Kumar Agarwal, Age. 25 years, Occ. Student, R/o. H. No. 21-7-664, Ghansi Bazaar, Near High Court Hyderabad. (A-10)
2. K. Mayank Agarwal, S/o. Sri. Laxminarayan Agarwal, Age. 26 years, Occ. Student, R/o. H. No. 21-7-664, Ghansi Bazaar, Near High Court Hyderabad. (A-77)

...PETITIONERS/ACCUSED No. 10 & 77

AND

1. The State of Telangana, through SHO P.S Khairtabad, Rep. by its Public Prosecutor High Court, High Court Buildings, Hyderabad.
2. Sri. J. Mahesh, Sub Inspector of Police P.S Punjagutta Hyderabad City.

...RESPONDENT/COMPLAINANTS

Petition under Section 528 of BNSS., praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Quash the SC. No. 1 of 2026 for the alleged offences U/s. 8(c), R/w. 20(b), (ii), (B) and Sec. 27(b) and 29 of NDPS Act 1985 on the file of II Addl. Metropolitan Sessions Judge, Hyderabad at Nampally against the petitioners /Accused No. 10 and Accused No. 77 and pass

I.A. NO: 2 OF 2026

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Stay all further proceedings SC. No. 1 OF 2026 for the alleged offences U/s. 8(c), R/w. 20(b), (ii), (B) and Sec. 27(b) and 29 of NDPS Act 1985, on the file of II Addl. Metropolitan Sessions Judge, Hyderabad at Nampally against the petitioners /Accused No. 10 and Accused No. 77 and pass

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K. Ashok Chakravarthy, Advocate for the Petitioners and Mr. Jithender Rao Veeramalla, learned Addl Public Prosecutor on behalf of the Respondents

The Court made the following: ORDER

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 5807 of 2026

DATE: 01.05.2026

Between :

Anirudh Agarwal and another

....Petitioners/accused Nos.10 and 77

AND

The State of Telangana and another.

....Respondents

: ORDER :

This Criminal Petition has been filed by the petitioners/accused Nos.10 and 77 seeking to quash the proceedings in S.C.No.1 of 2026 on the file of the II Additional Metropolitan Sessions Judge, Hyderabad at Nampally, for the offences under Sections 8(c) read with 20(b)(ii)(A), 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act')

2. Heard Mr. K. Ashok Chakravarthy, learned counsel for the petitioners, and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing on behalf of the respondents.

3. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and have been falsely implicated in the present crime. The petitioners were not present at the scene of offence nor did the police seized any contraband from the possession of the petitioners. However, based on the confessional statement given by accused No.1, the petitioners were implicated as an accused and the same

is not permitted under law in view of Section 27 of the Indian Evidence Act, 1872 and Section 67 of the NDPS of the Act. Hence, the continuation of the proceedings against the petitioners is a clear abuse of the process of law.

4. Learned Additional Public Prosecutor submitted that whether the confessional statement given by the co-accused is true or not will be determined during the course of trial, and the petitioners are not entitled to seek quashing of the proceedings at this stage.

5. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the petitioners were implicated as an accused for the offences under Sections 8(c) read with 20(b)(ii)(A), 27 and 29 of the NDPS Act solely based on the confessional statement given by accused No.1. The prosecution has not placed any other material to link the petitioner as an accused to the present case, except the confessional statement of accused No.1.

6. It is trite law that the confession statement given by the co-accused is inadmissible under law, especially in view of the provisions of Sections 25 and 26 of the Indian Evidence Act, 1872.

7. In **Rajkumar Hariram Gameti v. State of Gujarath**¹, the Hon'ble Supreme Court has reaffirmed the law declared in **Tofan Singh v. State**

¹ 2024 SCC OnLine SC 572

of Tamil Nadu², where a three-Judge Bench reconsidered the earlier decisions in **Kanhaiyalal v. Union of India**³ and **Raj Kumar Karwal v. Union of India**⁴ and held that officers empowered under Section 53 of the NDPS Act are "police officers" for the purposes of Section 25 of the Evidence Act, rendering any confessional statement made to them inadmissible. It was further clarified that statements recorded under Section 67 of the NDPS Act cannot be treated or relied upon as confessional statements for the purpose of convicting an accused under the NDPS Act.

8. For the foregoing reasons as well as the precedent decisions, this Court is of the considered view that the continuation of the proceedings against the petitioners is a clear abuse of the process of law.

9. Accordingly, the Criminal Petition is allowed and the proceedings in S.C.No.1 of 2026 on the file of the II Additional Metropolitan Sessions Judge, Hyderabad at Nampally, against the petitioners/accused Nos.10 and 77, are hereby quashed.

Miscellaneous applications, pending if any, shall stand closed.

² (2021) 4 SCC 1
³ (2008) 4 SCC 668
⁴ (1990) 2 SCC 409

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SD/- K.BHAVANI SWAMY
 ASSISTANT REGISTRAR

SECTION OFFICER

To,

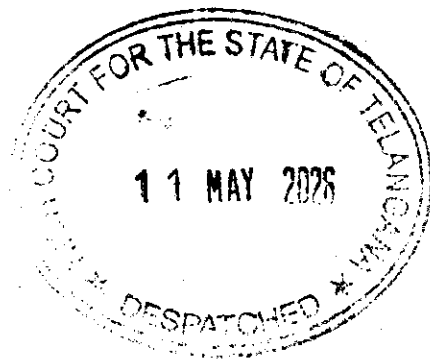
1. The II Addl. Metropolitan Sessions Judge, Hyderabad at Nampally
2. The Station House Officer, Khairatabad Police Station, Hyderabad District .
3. One CC to Sri K. Ashok Chakravarthy, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana (OUT)
5. Two CD Copies

BJLB/KA

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HIGH COURT

DATED: 01/05/2026



ORDER

CRLP.No.5807 of 2026

CRIMINAL PETITION IS ALLOWED

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