

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

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.9301 of 2026

DATE: 03.07.2026

BETWEEN:

Pawan Kumar and another

.....petitioners/accused Nos.4 and 6

And

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

.....Respondent/complainant

ORDER

This criminal petition is filed under Section 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioners praying to enlarge them on bail in connection with Crime No.129 of 2025 of Tekulapally Police Station, Bhadrachalam District. The offences alleged against the petitioners are under Sections 8(C) r/w. Section 20(b)(ii)(C), 27-A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The facts of the case are that on 24.05.2025 at about 12:55 hours, in front of Apostulula Christian Community Church near Muthyalampadu X Road, Tekulapally, the complainant along with his staff apprehended the accused while they were transporting ganja in an Eicher vehicle bearing No.HR-63-E-7315 and a car bearing No.HR-05-BK-6032. In the presence of mediators, a total quantity of 697.350 kilograms of ganja was seized. During interrogation, the accused confessed that they had procured the said ganja from A.7 under the instructions of A.8. Hence, case was registered against the accused for the above offences.

3. Heard Sri Apurva M.Gokhale, learned counsel for petitioners and Sri D.Arun Kumar, learned Additional Public Prosecutor appearing for respondent - State.

4. Learned counsel for the petitioners contended that the petitioners were arrested on 24.05.2025 and have been in judicial custody for more than one year. The investigation has been completed, the charge sheet has been filed, and the case is now pending as S.C.NDPS No.100 of 2025 before the Special Sessions Judge under the NDPS Act-cum-I Additional Sessions Judge, Kothagudem. He further contended that the alleged contraband weighing 697.350 kilograms of ganja was recovered from an Eicher vehicle bearing No.HR-63-E-7315 and not from the personal possession of the petitioners or from the car bearing No.HR-05-BK-6032 in which they were travelling. The petitioners are neither the owners of the contraband nor of the Eicher vehicle, and there is no material to show that they were in

conscious possession of the contraband or involved in its transportation. He further contended that the allegations under Sections 27-A and 29 of the NDPS Act are not attracted, as there is no material to show that the petitioners financed any illicit traffic or entered into any criminal conspiracy. Their alleged role is confined to escorting the vehicle carrying the contraband, without any specific overt act or independent evidence connecting them with the alleged offence. The prosecution case is primarily based on the alleged confessional statements of the co-accused, which, in view of the law laid down by the Hon'ble Supreme Court in **Tofan Singh v. State of Tamil Nadu**¹, cannot constitute substantive evidence. Learned counsel further submitted that the petitioners have remained in custody for more than one year, the trial is not likely to conclude in the near future, and their continued detention would violate their right to personal liberty under Article 21 of the Constitution.

5. In support of his contention learned counsel relied on the judgments in **Rabi Prakash v. State of Odisha**² and **Mohd. Muslim @ Hussain v. State (NCT of Delhi)**³, to contend that prolonged incarceration and delay in the conclusion of the trial constitute valid grounds for grant of bail notwithstanding the rigor of Section 37 of the NDPS Act. He also contended that A.1 to A.3 and A.5 were already enlarged on bail and, therefore, the petitioners are entitled to bail on the ground of parity. Learned counsel lastly submitted that the petitioners are drivers by occupation, the sole

¹ (2021) 4 SCC 1

² 2023 SCC Online SC 1109

³ (2023) 18 SCC 166

breadwinners of their families and have no criminal antecedents and are permanent residents of Haryana. Their further detention, after filing of the charge sheet, serves no useful purpose. As such prayed this Court to grant bail to the petitioners.

6. Learned Additional Public Prosecutor opposes the bail application, contending that huge quantity of contraband seized indicates the gravity of the offence and that releasing the petitioners at this stage may hamper the trial. As such, he prayed the Court to dismiss the criminal petition.

7. 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 petitioners are in jail since 25.05.2025, i.e., for over one year. Record shows the investigation is complete, the charge sheet has been filed, and it is noted that A1, A2, A3 and A5 were granted bail by the trial Court. Therefore, 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 petitioners, subject to the following conditions:

- i. The petitioners shall execute a personal bond for a sum of Rs.25,000/- each (Rupees twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of I Additional District and Sessions Judge, Bhadradi Kothagudem.
- ii. The petitioners 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 petitioners shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

8. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 03.07.2026
PT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.9301 of 2026

Date: 03.07.2026

PT