

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.9852 OF 2026

DATE : 08.07.2026

Between :

Bandari Shiva

... Petitioner/A.1

And

The State of Telangana,
Public Prosecutor,
High Court of Telangana, Hyderabad

... Respondent/Complainant

: ORDER :

This Criminal Petition is filed praying this Court to enlarge the petitioner on bail who is arrayed as accused No.1 in connection with Crime No.127 of 2026 of Khammam Rural Police Station, Bhadradri Kothagudem District. The offences alleged against the petitioner are under Sections 8(c) r/w.20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The brief facts of the case are that on 03.03.2026 at about 4:30 p.m., the police apprehended A.1 and A.2 at Yedulapuram X Road, Khammam Rural Mandal, while they were allegedly transporting 7.277 kilograms of dry ganja on a Pulsar motorcycle bearing Registration No.TG-07 Q-9580 in contravention of the provisions of the NDPS Act. The police seized four packets of dry ganja, two mobile phones, and the motorcycle under the cover of a confessional-cum-seizure panchanama in the presence of mediators. During interrogation, A.1 and A.2 allegedly disclosed that they had purchased the ganja from A.3- Ramesh, a resident of Mothu, Kalimela, Odisha. Based on the complaint lodged by the Sub-Inspector of Police, Khammam Rural Police Station, the present crime was registered against the accused.

3. Heard Sri Ch. Raj Kumar, learned counsel appearing for the petitioner and Sri D.Arun Kumar, learned Additional Public Prosecutor appearing for the respondent.

4. The contention of learned counsel for the petitioner is that the petitioner has been falsely implicated in this case and that the quantity of ganja allegedly seized is 7.277 kilograms, which

is an intermediate quantity and, therefore, the rigors of Section 37 of the NDPS Act are not attracted. It is also contended that the investigation, insofar as the petitioner is concerned, is substantially complete, the contraband has already been seized, his statement has been recorded, and no further custodial interrogation is required. The learned counsel further submitted that the prosecution mainly relied upon the alleged confessional statement recorded under Section 67 of the NDPS Act, which has no evidentiary value in view of the law laid down by the Hon'ble Supreme Court in **Tofan Singh v. State of Tamil Nadu**¹. Learned counsel also contended that no specific overt act has been attributed to the petitioner and that only omnibus allegations have been made against him. Since the material part of the investigation has been completed and the material witnesses have already been examined, there is no possibility of the petitioner tampering with the evidence. The petitioner has been in judicial custody since 04.03.2026. Hence, prayed this Court to grant bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed bail contending that the accused were found in

¹ (2021) 4 SCC 1

possession of 7.277 kgs of Ganja. He contended that petitioner is involved in five crimes among which one pertains to NDPS Act which shows that petitioner is a habitual offender. If petitioner is granted bail, he may indulge in similar offences, as such, prayed to dismiss this petition.

6. Considering the submissions made by the learned counsel for both parties and perusal of the material on record, the petitioner has been in judicial custody from 04.03.2026 and the seized contraband is an intermediate quantity. Considering the period of incarceration of the petitioner in judicial custody, 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 II-Additional Judicial Magistrate of First Class at Khammam.
- ii. The petitioner shall appear before the concerned SHO between 09.00 a.m and 5.00 p.m., on every Monday 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 shall abide by the conditions stipulated in Section 483(2) of the BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous petitions, if any, pending shall stand closed.

K. SUJANA, J

Date : 08.07.2026
Rds

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