

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.10348 OF 2026

DATE : 23.07.2026

Between :

Bhumani Mahesh

... Petitioner/A.3

And

The State of Telangana,
Rep., by its Public Prosecutor,
High Court at Telangana,
Through SHO, P.S.Miyapur,
Cyberabad Commissionerate.

... Respondent/Complainant

: ORDER :

This Criminal Petition is filed under Sections 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying this Court to enlarge the petitioner on bail who is arrayed as accused No.3 in connection with Crime No.349 of 2026 of Miyapur Police Station, Cyberabad Commissionerate. The offences alleged against the petitioner are under Sections 8(c) r/w.22(c) and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The facts of the case in brief are that, on 03.03.2026, the Sub-Inspector of Police, Miyapur Police Station, received

credible information that certain persons had assembled near Vishwambara Colony Park, Miyapur, in a Volkswagen car bearing No. TG 09 ET 7711 to consume and exchange MDMA. Acting on the said information, the police conducted a raid at about 14:50 hours, apprehended three persons, and allegedly seized 12.6 grams of MDMA from the dashboard of the car, along with four mobile phones and the vehicle. Based on the confession-cum-seizure statement allegedly recorded at the spot, the petitioner was arrayed as Accused No.3 and alleged to be the peddler. Accused No.2 was shown as a Peddler, Accused No.4 as a consumer (to whom notice under Section 35(3) of the BNSS was issued without arrest), while Accused No.1, alleged to be the supplier from Bengaluru. Hence, the present crime was registered against the accused for the above offences.

3. Heard Sri SM Saifullah, learned counsel appearing for the petitioner and Sri D.Arun Kumar, learned Additional Public Prosecutor appearing for the respondent-State.

4. The contention of learned counsel for the petitioner is that petitioner is innocent and has been falsely implicated in the present case registered under the NDPS Act. According to the prosecution, the petitioner and the co-accused were apprehended on 02.03.2026 at about 14:50 hours but were

produced before the learned Magistrate only on 03.03.2026 at about 19:30 hours, thereby remaining in police custody for more than twenty-four hours in violation of Article 22(2) of the Constitution of India and Section 58 of the Bharatiya Nagarik Suraksha Sanhita, 2023. He further contended that the complaint contains visible overwriting of the date from 02.03.2026 to 03.03.2026, indicating manipulation of the official record to conceal the illegal detention. Learned counsel contends that no contraband was recovered from the personal possession of petitioner, but was allegedly found in the dashboard of a Volkswagen car occupied by three persons and not belonging to him, and therefore conscious or exclusive possession cannot be attributed to him. He further contended that the prosecution relied solely on the alleged confession-cum-seizure statement and statements recorded under Section 67 of the NDPS Act, which are inadmissible in evidence in view of the judgment of the Hon'ble Supreme Court in ***Tofan Singh v. State of Tamil Nadu***¹. It is further contended that there is no independent material to show that the petitioner was involved in any sale, transport, or commercial dealing in contraband, and no incriminating articles such as sale proceeds, customer details, or electronic communications have been recovered. The

¹ (2021) 4 SCC 1

petitioner also alleges non-compliance with the mandatory provisions of Sections 42 and 52A of the NDPS Act relating to search, seizure, sampling, and certification by the Magistrate, and submits that the Forensic Science Laboratory report is still awaited, making it impossible to conclusively establish the nature or quantity of the alleged contraband. It is further submitted that the petitioner has no criminal antecedents, the investigation is substantially complete, nothing remains to be recovered from him, and he has been in judicial custody since 03.03.2026. Therefore, his continued detention is unnecessary and violative of his fundamental right to personal liberty and speedy trial under Article 21 of the Constitution of India. Hence, prayed to grant bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed for grant of bail contending that though in some places the date is mentioned as 02.03.2026, but the time is mentioned as 14.50 hours as the accused reached to Hyderabad on 03.03.2026 at about 5.30 hours, there is no question of arresting the petitioner at 14.50 hours on 02.03.2026 and that is only a typographical mistake. As such, there is no delay in producing the petitioner before the Court. Hence, petitioner is not entitled to bail and prayed to dismiss this petition.

6. Considering the submissions made by the learned counsel for the petitioner, the learned Additional Public Prosecutor, and the material available on record, this Court notes that the petitioner has been in judicial custody since 03.03.2026 and the alleged seizure is 12.6 grams of MDMA. The principal contention of the learned counsel for the petitioner is that the petitioner was apprehended on 02.03.2026 at about 14:50 hours but was produced before the jurisdictional Magistrate only on 03.03.2026 at about 19:30 hours, which is beyond the period of twenty-four hours prescribed under law, thereby rendering the arrest and detention illegal. In response, the learned Additional Public Prosecutor has filed a document stating that the mention of time of apprehension as 08.30 hours instead of 14.50 hours and the time of arrest as 14.15 hours instead of 19.30 hours was an inadvertent typographical error. However, this Court finds that the discrepancy is not confined to the remand report alone. The same mistake is consistently reflected in the Arrest/Surrender Memo, the notice issued under Section 47 of BNSS and other documents. Therefore, the explanation that it is merely a typographical error does not prima facie inspire confidence, as such an error would ordinarily be expected to occur in a single document and not to be repeated uniformly in several official records prepared at different stages. As such,

the contention of learned Additional Public Prosecutor that it is a typographical mistake cannot be considered and can be concluded that the petitioner was produced before the Court beyond 24 hours. As such, 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 VIII- Additional Judicial Magistrate of First Class, Ranga Reddy District at Kukatpally.
- 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.

Date : 23.07.2026
Rds

K. SUJANA, J

THE HON'BLE SMT. JUSTICE K. SUJANA

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