

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

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION No.11116 of 2026

DATED 27th JULY 2026

Between:

Ulangi Venkataramana

... Petitioner-Accused

And

State of Telangana,
Rep. EXCISE GHATKESAR P.S.
Through its Public Prosecutor,
High Court for the State of Telangana,
Hyderabad.

... Respondent

ORDER

1. This Memorandum of Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) praying this Court to enlarge the petitioner on bail who is arrayed as sole accused in connection with Crime No.29 of 2026 of Prohibition and Excise Station, Ghatkesar. The offence alleged against the petitioner are punishable under Section 8(c) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. Heard Sri P. Nishith Raj, learned counsel for petitioner, and Sri D. Arun Kumar, learned Additional Public Prosecutor, appearing for respondent – State.

3. Learned counsel for the petitioner submits that the petitioner-sole accused has been falsely implicated in the present case and the prosecution story is highly improbable, does not inspire confidence and the entire prosecution case is founded upon the alleged prior secret information received by the Excise officials. The prosecution claims to have acted upon such information. However, it is a settled principle of law that the mandatory safeguards contained under Section 42 of the NDPS Act require strict compliance. He further submits that the prosecution has failed to demonstrate complete compliance with the mandatory statutory safeguards, thereby creating serious doubt regarding the legality of the search and seizure. Further, the prosecution has not investigated or disclosed the alleged source of procurement of the contraband and the alleged confession attributed to the petitioner while in the custody of the Excise officials has no independent evidentiary value. The alleged recovery is required to be proved during trial. He further submits that the petitioner has no criminal antecedents and has never been involved in any offence under the provisions of the NDPS Act. The petitioner has been in custody since 17.03.2026, the investigation has substantially progressed and notwithstanding the rigours of Section 37 of the NDPS Act,

this Court is empowered to grant bail to the petitioner by allowing this criminal petition.

4. *Per contra*, learned Additional Public Prosecutor submits that 1.040 kilograms of hashish oil is seized from the possession of the petitioner which constitutes a commercial quantity. Application for inventory is made before the learned trial Court on 16.05.2026, investigation is still in progress and prayed to dismiss the criminal petition.

5. On perusal of the material available on record, petitioner has been arrayed as an accused in C.O.R.No.29 of 2026 and has been in judicial custody since 17.03.2026. The Prohibition and Excise Officials seized 522 grams of hashish oil (coded as M1) and 518 grams of hashish oil (coded as M2), total to 1.040 kilograms and two mobile phones, namely, (i) Vivo V70 Elite (SIM No. 7989744465) and (ii) Hero Shakti Keypad (SIM No.9211896331), were also seized. The quantity of the alleged contraband falls within the category of commercial quantity under the provisions of the NDPS Act.

6. It is appropriate to refer to Section 37 of the NDPS Act, which reads as under:

“37. Offences to be cognizable and non-bailable. –

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),--

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 1[offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless--

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.”

7. It is observed by the learned trial Court, while dismissing the bail application in Crl.M.P. No.463 of 2026 that the quantity of the contraband allegedly seized from the petitioner/sole accused constitutes a commercial quantity, bail cannot be granted unless the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of the alleged offence and that the petitioner is not likely to commit any offence while on bail.

8. It is to be noted here that the inventory application filed by the prosecution on 16.05.2026 is still pending before the learned trial Court and that the investigation is still in progress. Petitioner has failed to demonstrate the existence of reasonable grounds to believe that he is not guilty of the alleged offence or that he is not likely to commit any offence while on bail. In view of the foregoing circumstances, this Court is of the considered opinion that the petitioner has not made out any case for grant of bail and there are no merits in the present Criminal Petition and the same is liable to be dismissed.

9. Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications, if any pending, shall stand closed.

B.R.MADHUSUDHAN RAO, J

Date: 27.07.2026
SS

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION No.11116 of 2026

DATE: 27.07.2026

SS