

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

**SATURDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 12409 OF 2025

Between:

Rathod Birbal, S/o Rathod Hiranman, Aged 26 years, Occ. Agriculture, R/o Pathu Naik Thanda, Enkapally Village, Nagalgidda Mandal, Sangareddy District

...PETITIONER/ACCUSED NO.1

AND

The State of Telangana,, through Public Prosecutor, High Court Building, Hyd

...RESPONDENT/COMPLAINANT

Petition under Section 480 & 483 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the Petitioner/Accused No.1 herein on bail in FIR No.398 of 2025 On the file of P.S Patancheru, Sangareddy District

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri J P SRIKANTH, Advocate for the Petitioner and D. ARUN KUMAR, Additional Public Prosecutor on behalf of the Sole Respondent

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.12409 of 2025

ORDER:

This Criminal Petition is filed seeking the Court to enlarge the petitioner, on bail, who is arrayed as accused No.1 in Crime No.398 of 2025 of Patancheru Police Station, Sangareddy District.

2. The brief facts of the case are that the petitioner was arrayed as accused No.1 in FIR No.398/2025 of Patancheru Police Station and was arrested on 08.05.2025, since when he had been in judicial custody. The prosecution alleged that the police, upon receiving credible information, intercepted vehicles carrying 106 kgs of dry ganja on the ORR road towards Sangareddy and apprehended the accused.

3. Heard Sri J.P. Sri Kanth, learned counsel appearing on behalf of the petitioner as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing on behalf of the respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner had no connection with the said offence and was

falsely implicated, while the actual culprits were spared due to their political and financial influence. He further submitted that the petitioner was eking out his livelihood by selling panipuri on the roadside in Hyderabad and was the sole breadwinner of his family. He contended that the petitioner had been in custody for over 120 days and continued detention would cause severe hardship to his dependents and that the petitioner was innocent and had been falsely implicated by the police without any credible evidence linking him to the alleged offence. Therefore, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the petitioner is a drug peddler. He further submitted that the investigation is in progress and if the petitioner is released on bail, at this stage, he may tamper with the evidence and may threaten the witnesses. Hence, he prayed the Court to dismiss the criminal petition.

6. This Court, considering submissions made by both the learned counsel and reviewing the material available on record, it is noted that the contention of the petitioner that the

case is false, fictitious, and fabricated, the case was registered without following the due procedure. However, the Additional Public Prosecutor opposes bail citing commercial quantity weighing 106 kg of ganja. At this stage, it is pertinent to note 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. In view thereof, Section 37 of the NDPS Act mandates that offences involving commercial quantities be non-bailable, requiring reasonable grounds to believe the accused is not guilty and unlikely to commit further offences while on bail. Given the serious allegations against the petitioner, this Court is not satisfied that conditions for granting bail under Section 37 are met. Therefore, the criminal petition lacks merit and the same is liable to be dismissed.

8. Accordingly, this Criminal Petition is dismissed.

Miscellaneous applications, if any pending, shall stand closed.

//TRUE COPY//

SD/- U. SUDHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The I Additional District & Sessions Judge, Sangareddy.
2. The Judicial First Class Magistrate Prohibitions & Excise at sangareddy, Sangareddy District
3. The Superintendent, District Jail, Sangareddy.
4. The Station House Officer, Patancheru Police Station, Patancheru, Sangareddy District
5. One CC to SRI J P SRIKANTH Advocate [OPUC]
6. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
7. **Two CD Copies**

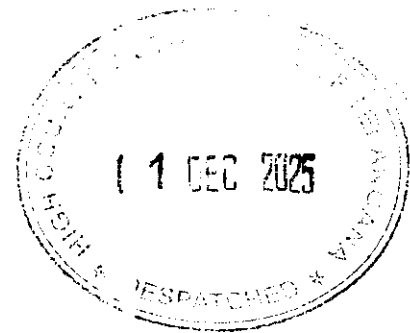
VM/sa



HIGH COURT

DATED: 25/10/2025

ORDER
CRLP.No.12409 of 2025



DISMISSING THE CRIMINAL PETITION

(10) MT
18/11/25