



2025:TSHC:42825
[3385]

THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**THURSDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 12589 OF 2025

Between:

1. Dadala Danial Raju, S/o Subbarao, Occ. Pvt.Service Aged 26 years, R/o H. No.2-36-39, Trivedi Nagar Street, AC Gardens, Rajahmundry Urban, East Godavari District.
2. Hanumanthu Abhiram,, S/o Hanumanthu Masar Raju, aged 25 years, Occ.Pvt.Service R/o 3-599-8, Bommuru, Jana Lakshmi Bai Nagar, Rajahmundry Rural, East Godavari District.
3. Nadimpally Abhishek Varma,, S/o Nadimpally Nagaraju, Occ. Pvt Service Aged 24 years,R/o D. No.103-7-208, Abyudaya Colony, Rajavolu, Rajahmundry Rural, East Godavari District, A.P.

...PETITIONER/ACCUSED NO. 1 TO 3

AND

The State of Telangana,, Rep. by Public Prosecutor, High Court of Telagana, through SHO, P.S. Excise Ghatkesar

...RESPONDENT/COMPLAINANTS

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 prayed that the Hon'ble Court may be pleased to enlarge the Petitioners/Accused No.1 to 3 on bail pending disposal of Crime No.141/2025 on the file of P.S. Excise Ghatkesar.

This Petition coming on for hearing,upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri BONU RAMA SHANKARA RAO ,Advocate for the Petitioners and Sri D.Arun Kumar Additional Public Prosecutor on behalf of the Sole Respondent.

The Court made the following: ORDER



2025:TSHC:42825

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.12589 OF 2025

ORDER :

This criminal petition is filed under Section 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners/A.1 to A.3 seeking their enlargement on bail in connection with Crime No.141 of 2025 of Excise Ghatkesar Police Station, Medchal District. The offences alleged against the petitioners are under Section 8(c) r/w.22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act')

2. The case of the prosecution is that on 30.08.2025 the police apprehended the petitioners herein near Bhagyanagar Nandanavanam Park, Narapally, Ghatkesar, Medchal-Malkajgiri District and seized 31.35 grams (gross) and 22.85 grams (net) of MDMA along with two wheeler and some mobile phones. It is alleged that A.1 and A.2 went to Bangalore on 18.08.2025, purchased 25 grams of MDMA and A.3 paid Rs.17,000/- to A.1 and A.2 for procuring 12 grams of MDMA. Hence, complaint was registered against the accused for the above offences.



3. Heard Sri B.Rama Shankara Rao, learned counsel for the petitioners and Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for the respondent-State.

4. The contention of learned counsel for the petitioners is that petitioners are innocent of the alleged offences and they have not committed any offences. The petitioners are in jail from 31.08.2025 and they are ready to cooperate with the investigation and undertake to abide by any conditions that may be imposed by this Court. Hence, prayed this Court to grant bail to the petitioners.

5. On the other hand, learned Additional Public Prosecutor opposed bail on the ground that the quantity involved in this case is commercial quantity and in view of rigor of Section 37 of NDPS Act, petitioners are not entitled for bail and requested this Court to dismiss this petition.

6. Considering the submissions made by the respective counsel and the material placed on record, the petitioners herein were found in possession of huge quantity of MDMA which is a commercial quantity. Though petitioners are in jail from 31.08.2025, it is not a ground to grant bail to them. At



this stage, it is pertinent to note Section 37 of the NDPS Act, and the same 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 that the accused is not



guilty and unlikely to commit further offences while on bail. In the facts and circumstances of the case on hand, 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 petitions, if any, pending shall stand closed.

//TRUE COPY//

SD/- U SUDHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The 1st Additional Junior Civil Judge-cum-V AMM, Medchal Malkajgiri at L.B.Nagar
2. The Superintendent, Central Jail, Cherlapalli
3. The Station House Officer, Police Station Excise, Ghatkesar Medchal District
4. One CC to SRI. BONU RAMA SHANKARA RAO Advocate [OPUC]
5. Two CC to SRI. PUBLIC PROSECUTOR, High Court of Telangana at Hyderabad, Advocate [OUT]
6. Two CD Copies

AG/ABK

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HIGH COURT

DATED:23/10/2025

ORDER

CRLP.No.12589 of 2025



CRLP IS DISMISSED

9 copies
by
13/11/25