

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

**FRIDAY, THE TWENTY FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 12943 OF 2025

Between:

Banoth Kumar, S/o.B.Somla, Age.34 years, Occu.Coolie,
R/o.Bodaguttathanda Village, Jamandlapalli Mandal, Mahabubabad
District,T.G.

...PETITIONER/ACCUSED No. 2

AND

The State of Telangana, Rep'by its. Public Prosecutor, High Court of T.G.,
Hyderabad.

...RESPONDENT/COMPLAINANT

Petition under Section 480 & 483 of B.N.S.S. 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.2 herein on Bail in the above said Crime No. 308/2025, Managuru P.S, Bhadradi Kothagudem District, for the offence U/sec. 8 © r/w. 20(b)(II)(C), 27 of NDPS Act, 1985.

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

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.12943 of 2025

ORAL ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.2 in Crime No.308 of 2025 of Manuguru Police Station, Bhadradri Kothagudem District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 09.03.2025 at 07:00 hours, the police of P.S. Manuguru, on receiving reliable information, apprehended accused Nos.1 and 2 near Sammakka Sarakka Temple, Thoggudem, while they were transporting 32.150 kgs of Ganja in an auto bearing No.TS-26-T-1872. A seizure panchanama was prepared in the presence of mediators, and the petitioner/Accused No.2 was remanded to judicial custody on the same day for offences punishable under Sections 8(c) read with 20(b)(ii)(B), 27-A and 29 of the NDPS Act, 1985.

3. Heard Sri Raveendhar Malothu, 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 is innocent of the said allegations and the entire case against the petitioner was false and fabricated by the police only to implicate him and that nothing was seized from his possession. He further submitted that mandatory safeguards under Sections 42 and 50 of the NDPS Act were not followed and that the petitioner had been in jail since 09.08.2025 and a substantial portion of investigation has been completed. 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 seized contraband constitutes a commercial quantity and 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. In view of the rigor of Section 37 of the NDPS Act, the petitioner is not entitled to the grant of bail. Hence, he prayed the Court to dismiss the criminal petition.

6. 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 32.150 kgs 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.

Sd/- K BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Manuguru.
2. The Station House Officer, Manuguru Police Station, B. Kothagudem.
3. One CC to SRI. MALOTHU RAVEENDAR Advocate [OPUC]
4. Two CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana [OUT].
5. Two CD Copies

ARM/ABK

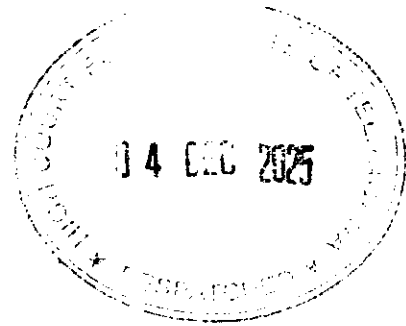
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HIGH COURT

DATED: 24/10/2025

ORDER

CRLP.No.12943 of 2025



DISMISSING THE CRLP

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kps
12/11/25