

**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: 12946 OF 2025

Between:

RISHABH AGARWAL @ Sunny,, S/o. Rameshwarlal Agarwal, aged about 31 years, Occ Business, R/o. H. No.14-2-170/15, Agarwal Mansion, Shahinayath Gunj, Begum Bazar, Hyderabad - 12.

...PETITIONER/ACCUSED NO.3

AND

The State of Telangana, Through Prohibition and Excise Station, Uppal, Hyderabad, Represented by its Public Prosecutor, High Court for the State of Telangana at Hyderabad

...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.3 on bail in Crime No.80 of 2025. dated 02/08/2025 on the file of the Prohibition and Excise Station. Uppal. Medchal-Malkajgiri

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri UMESH SINGH, 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.12946 of 2025

ORDER:

This Criminal Petition is filed seeking the Court to enlarge the petitioner, on bail, who is arrayed as accused No.3 in Crime No.80 of 2025 of Prohibition and Excise Police Station, Uppal, Medchal Malkajgiri District.

2. The brief facts of the case are that on 02.08.2025, the Excise Enforcement team, upon receiving credible information, apprehended two persons near Gerius Grammar School, Kothapet, and seized 513 grams of ganja and 13.65 grams of MDMA from their possession. Based on their confessional statements, the petitioner was arrayed as accused No.3, alleging that he had supplied the MDMA to the co-accused. The petitioner was arrested on 10.08.2025 and remanded to judicial custody.

3. Heard Sri Umesh Singh, 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 was falsely implicated in the case solely on the basis of the confessional statement of co-accused, which was inadmissible in evidence as per the law laid down by the Hon'ble Supreme Court in **Tofan Singh v. State of Tamil Nadu**. He further submitted that no material, independent evidence, or recovery connected the petitioner with the alleged offence and that the material part of the investigation was 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 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 seized 513 grams of ganja and 13.55 grams of MDMA. 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/- A.JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional District and Session Judge, Medchal Malkajgiri at Kushaiguda
2. The Station House Officer, Prohibition and Excise Station, Uppal, Medchal Malkajgiri District
3. One CC to SRI UMESH SINGH Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

VM/PSL

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HIGH COURT

DATED: 25/10/2025

ORDER
CRLP.No.12946 of 2025



DISMISSING THE CRIMINAL PETITION

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