

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: 12930 OF 2025

Between:

Ajay Tripathi,, S/o Srikanth Tripathi, Aged 36 years, Occ Private Employee,
R/o H.No.128/626, Y1 Block, Kidwai Nagar, Kanpur, Uttar Pradesh State.

...PETITIONER/ACCUSED

AND

The State of Telangana,, Through SHO PS Excise, Hayathnagar, Rep. by its
Public Prosecutor, High Court for the State of Telangana at Hyderabad

...RESPONDENT/COMPLAINANT

Petition under Section 480 and 483 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to release the Petitioner/Accused No.3 on bail in connection with COR No. 53 of 2025 on the file of Prohibition and Excise Station, Hayathnagar.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri PAPAIAH PEDDAKULA, Advocate for the Petitioner and Sri Arun Kumar Dodla, the Additional Public Prosecutor on behalf of the sole Respondent.

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.12930 of 2025

ORDER:

This Criminal Petition is filed seeking the Court to enlarge the petitioner, on bail, who is arrayed as accused in COR.No.53 of 2025 of Prohibition and Excise Police Station, Hayathnagar.

2. The brief facts of the case are that on 04.06.2025, the Prohibition and Excise Sub-Inspector, Hayathnagar, received case papers from the ENFT, Ranga Reddy District, regarding the detection and seizure of contraband substances i.e., 17.91 kgs of Alprazolam allegedly found in the illegal possession of the accused persons. The property was seized under the cover of a panchanama, and the accused were produced before the Court for judicial remand.

3. Heard Sri Papiiah Peddakula, 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 no contraband was seized from the possession of the petitioner and that he was falsely implicated in the case solely based on the alleged confessional statement of the co-accused and that the panchanama appeared fabricated and the mandatory procedures were not followed, raising serious doubt about the genuineness of the seizure. He further submitted that the petitioner was innocent and is in judicial custody since 15.06.2025. 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 allegations leveled against the petitioner are serious in nature and further, the commercial quantity of 17.91 kgs of Alprazolam was involved in this case. At this stage, granting of bail to the petitioner does not arise. Therefore, 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 huge commercial quantity weighing 17.91 kgs of Alprazolam. 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 PRATHIMA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class, Prohibition and Excise Station, Hayathnagar.
2. The Station House Officer, Prohibition and Excise Station Hayathnagar.
3. Two CCs to the PUBLIC PROSECUTOR, High Court at Hyderabad. (OUT)
4. One CC to SRI PAPAIAH PEDDAKULA Advocate [OPLD]
5. Two CD Copies

HIGH COURT

DATED:24/10/2025



ORDER

CRLP.No.12930 of 2025

CRIMINAL PETITION IS DISMISSED

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