IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.15432 OF 2026

(CNR No. HBHC010649582026)

DATE: 08.10.2026

Between :

Smt. Gudoori (Guduru) Maheswari.

… Petitioner.

AND

UNION OF INDIA
Rep by its Intelligence Officer Narcotics Control Bureau, Hyderabad Zonal Unit, H No 13-6-826/A/1/A, Opp. Pillar No.107, PVNR Expressway, Attapur Ring Road, Hyderabad - 500 008, Rep by its Special Public Prosecutor / Standing Counsel, High Court for the State of Telangana
.

… Respondent.

ORDER:

This petition is filed under Section 482 of *Bharatiya Nagarik Suraksha Sanhita*, 2023 (for short, "BNSS"), seeking the relief of anticipatory bail.

2. The petitioner is arrayed as Accused in NCB F. No.IV/4/31/Cr.No.09/2026/HYD on the file of Narcotics Control Bureau, Hyderabad Zonal Unit registered for the offences punishable under

Sections 8(c) r/w 22(c), 25, 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’).

3. Heard Mr. Ankit Sarwa, learned Counsel representing Mr. Nagularapu Keerthi Simha, learned counsel for the petitioner, and Mr. Naraparaju Avaneesh, learned Standing Counsel for NCTE, appearing for the respondent.

4.1. The prosecution case, in brief, is that on 20.04.2026, the NCB officials, Hyderabad, acting upon specific information, conducted a search of the premises of M/s. S.M. Labs Private Limited, IDA, Moula Ali, Hyderabad. During the search, the accused Nos.1 and 3 were allegedly found in the premises along with a tray dryer and two blue drums containing 69.6 kgs. of off-white amorphous powder suspected to be Alprazolam, a psychotropic substance. The said persons allegedly disclosed that the substance was being manufactured without any licence, permit or authorisation. The NCB consequently seized the suspected substance, chemicals, solvents, swab samples, filter cloth and equipment, including Reactor No.101, a centrifuge and an industrial tray dryer.

4.2. The panchanama records that no field-testing kit for Alprazolam was available and, therefore, the seizure was effected on reasonable suspicion, subject to confirmation by the laboratory. It is further alleged

that accused No.1 had procured the chemicals and taken certain equipment on lease, while accused No.3 had assisted in arranging the raw materials. No other incriminating material was allegedly recovered from them. In connection with the said occurrence, the NCB registered a crime and arrested accused Nos.1 to 3 on 21.04.2026. Subsequently, accused No.4, who is the husband of the petitioner and the Executive Director of Unit II, and accused No.5, the Plant Manager, were arrested on 12.08.2026. The prosecution attributes to accused No.4 operational control over Unit II, execution of the agreement with accused No.1, allotment of the reactor, and granting of permissions for the alleged trial activity. The petitioner is a Director of the company and holds 25% of its shares.

5.1. Learned counsel for the petitioner submits that the petitioner had no role in the affairs of Unit II and that the statements of accused Nos.4 and 5 attribute the operational instructions exclusively to accused No.4, without implicating the petitioner in the alleged activity. It is submitted that the NCB officials have repeatedly called upon the petitioner to appear before them, but no written summons under Section 67 of the NDPS Act has been served upon her. The petitioner apprehends arrest merely on account of her association with the company and her relationship with accused No.4.

5.2. It is further submitted that there is no specific overt act attributed to the petitioner; she was neither present at the time of the search nor was any contraband recovered from her possession. Learned counsel contends that mere directorship or holding of 25% shares in the company does not, by itself, attract liability under Section 38 of the NDPS Act, particularly in the absence of material establishing that the petitioner was responsible for the conduct of the business of the company or that the alleged offence was committed with her consent, connivance or due to any neglect on her part.

5.3. According to learned counsel, the statements of accused Nos.4 and 5 attribute operational control, decisions concerning the reactor, and transactions with accused Nos.1 to 4 to persons other than the petitioner and do not implicate her in the alleged activity. Placing reliance upon *Tofan Singh v. State of Tamil Nadu*, (2021) 4 SCC 1, learned counsel submits that statements recorded under Section 67 of the NDPS Act cannot be relied upon as confessional evidence against an accused.

5.4. It is also contended that the identity and alleged commercial quantity of the seized substance remain subject to laboratory confirmation, particularly since no field test for Alprazolam was available at the time of seizure. By placing reliance upon *Senior Intelligence Officer, DRI v. Jugal Kishore Sarma*, (2011) 12 SCC 362,

and *Mohan Babulal Jain v. Union of India*, 2025 SCC OnLine Bom 4506, learned counsel submits that mere association with a company or mere holding of a directorship, in the absence of specific material demonstrating knowledge, participation or control, cannot by itself establish criminal culpability.

5.5. It is further submitted that custodial interrogation of the petitioner is unnecessary; no recovery is required to be effected from her; and the relevant company records are already in the possession of the Investigating Agency. The petitioner undertakes to cooperate with the investigation in all respects. Learned counsel also relies upon the petitioner's age and medical records, particularly the material concerning her serious respiratory and other ailments, to submit that her detention would adversely affect her ongoing treatment.

5.6. Placing further reliance upon *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, and *Union of India v. Chidiebere Kingsley Nawchara*, 2026 INSC 870, learned counsel submits that, having regard to the petitioner's individual role, the material presently available, and the constitutional considerations arising under Article 21 of the Constitution of India, the petitioner deserves protection from arrest, subject to appropriate conditions. Learned counsel, therefore, prays for grant of anticipatory bail.

6.1. Learned Standing Counsel appearing for the respondent opposes the petition and contends that the same is not maintainable either on facts or in law. It is submitted that the case arises out of the seizure of a substantial quantity of suspected Alprazolam from Unit II of the company and that the investigation has progressed on the basis of material collected by the Investigating Agency, including the statements of accused Nos.4 and 5 and the other accused.

6.2. It is contended that the petitioner is admittedly a Director holding 25% of the shares in the company and cannot completely disassociate herself from its affairs merely by asserting that she was not involved in its day-to-day operations. Her absence from the premises at the time of seizure and the non-recovery of contraband from her personal possession, according to the learned Standing Counsel, are not by themselves sufficient to rule out her involvement, which has to be assessed in the context of the entire material collected during investigation.

6.3. It is further submitted that the statutory restrictions contained in Section 37 of the NDPS Act cannot be excluded at this stage, having regard to the nature of the offences alleged and the substantial quantity of the suspected psychotropic substance involved. The judgments relied upon by the petitioner, according to the respondent, are distinguishable on their facts.

6.4. Learned Standing Counsel further contends that grant of anticipatory bail may prejudice the ongoing investigation, as the petitioner, being connected with the company, may influence witnesses or interfere with the collection of documentary and oral evidence. It is also submitted that the petitioner has failed to establish any exceptional circumstance warranting the grant of such extraordinary relief. The respondent, therefore, prays for dismissal of the petition.

7. I have carefully considered the rival submissions and perused the material available on record.

8. From the pleadings and submissions referred to above, the principal question that arises for consideration is whether the petitioner, who is a Director holding 25% of the shares in M/s. S.M. Labs Private Limited, is entitled to protection from arrest under Section 482 of the BNSS, in the circumstances of the present case.

9. The allegations arise out of the seizure of 69.6 kgs. of a substance suspected to be Alprazolam. At this stage, the Court is required to consider, without expressing any final opinion on the merits of the prosecution case, the petitioner’s individual role and the material presently available connecting her with the alleged offences.

10. It is settled proposition that mere directorship or shareholding in a company, by itself, does not establish criminal liability under Section

38 of the NDPS Act. The statutory provision requires consideration of whether the person was responsible for, or had control over, the conduct of the business of the company and whether the alleged offence was committed with his or her consent or connivance, or was attributable to any neglect on his or her part. In the present case, the material placed before the Court does not, at this stage, disclose any specific overt act on the part of the petitioner or any material demonstrating that she exercised operational control over Unit II.

11. On the contrary, the operational control of Unit II, the agreement with accused No.1, allotment of the reactor and permissions concerning the alleged trial activity are attributed to accused No.4. The statements relied upon by the prosecution, insofar as presently placed before this Court, do not specifically attribute such operational decisions or acts to the petitioner.

12. In *Senior Intelligence Officer, DRI v. Jugal Kishore Sarma* (supra), the Hon'ble Supreme Court recognised the relevance of examining the specific role and circumstances of the individual seeking protection. Likewise, in *Tofan Singh* (supra), the Constitution Bench held that a confessional statement recorded under Section 67 of the NDPS Act cannot be used as confessional evidence against an accused at trial.

13. At the same time, the applicability of Section 37 of the NDPS Act cannot be overlooked. In *State of Kerala v. Rajesh*, (2020) 12 SCC 122, the Hon'ble Supreme Court emphasised the mandatory nature of the twin conditions contained in Section 37 of the NDPS Act. The Court must, therefore, examine the material presently available while keeping in view the statutory restrictions governing bail under the NDPS Act.

14. In the facts of the present case, however, the absence of specific material indicating the petitioner's participation in the alleged activity or her operational control over Unit II constitutes a relevant circumstance, without this Court expressing any final opinion on the merits of the prosecution case. The relevant company records and equipment are stated to be already available with the Investigating Agency. No recovery is stated to be required from the petitioner, and her custodial interrogation has not been shown to be indispensable for the purpose of the investigation. The medical records produced on behalf of the petitioner, including those relating to her respiratory and other ailments, also constitute a relevant circumstance while considering the question of custodial detention. The apprehension expressed by the respondent that the petitioner may influence witnesses or interfere with the investigation is a matter that can, in the circumstances of the present case, be addressed by imposing appropriate conditions. Such protection, would not impede the

investigation or prevent the respondent/Investigating Agency from proceeding in accordance with law, including taking appropriate steps, if any further incriminating material emerges against the petitioner during the course of investigation.

15. Accordingly, the Criminal Petition is allowed, subject to the following conditions:

a) Petitioner shall surrender before the Station House Officer, Narcotics Control Bureau, Hyderabad Zonal Unit, on or before 18.10.2026. Upon such surrender, or in the event of her arrest, the Station House Officer shall release her on bail upon her executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only), with two sureties for a like sum each, to the satisfaction of the said officer.

b) The petitioner shall furnish her complete residential addresses and contact details to the Investigating Officer and shall keep the same updated throughout the proceedings before the trial court.

c) Additionally, the petitioner shall remain available as and when required by the investigating officer during the course of investigation.

d) The petitioner shall neither directly nor indirectly induce, threaten, influence, nor contact any prosecution witness, nor shall they tamper with the prosecution evidence in any manner whatsoever.

e) In the event of breach of any of the aforesaid conditions by the petitioner, the prosecution shall be at liberty to take appropriate steps seeking cancellation of bail.

16. It is made clear that any observations made herein are confined solely to the adjudication of the present application for anticipatory bail and shall not be construed as an expression on the merits of the case.

Pending miscellaneous applications, if any, shall stand closed.

Date: 08.10.2026 **N.TUKARAMJI, J**

MRKR

THE HON'BLE SRI JUSTICE N. TUKARAMJI

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MRKR