IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HON'BLE SRI JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION No.16293 of 2026

CNR.No. HBHC010684832026

DATE: 16.10.2026

BETWEEN:

Nishit Kadakia ... Petitioner - Accused No.5

And

High Court for the State of Telangana,
Though its Special Public Prosecutor,
For Union of India, NCB, Hyderabad.
... Respondent – Complainant

ORDER

1. This memorandum of Criminal Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) praying this Court to enlarge the petitioner – A5 on bail in connection with NCBF.No.IV/4/31/Cr.No.14/2026/Hyd of PS Cyberabad Narcotics. The offences alleged against the petitioner – A5 are under Sections 8(c) r/w Section 22(c), 28 and 29 of the NDPS Act, 1985.

2. Heard Sri V.Gopalakrishna Gokhaley, learned counsel for the petitioner – A5 and Sri N.Avaneesh, learned standing counsel for the respondent - complainant.

3. Learned counsel for the petitioner submits that the petitioner – A5 was not present at the places of seizure, no prohibited items were

recovered from his person or residence. NCB has forwarded 13 sealed samples to the Central Revenue Control Laboratory (CRCL), Visakhapatnam and its report is dated 01.09.2026 which records that sample 1 – Alprazolam confirmed, sample 2 - no definitive identity established, samples 3 to 6 – etomidate identified, sample 7 - no definitive identity established and samples 8 to 13 – etomidate identified. The alleged 91.25 kgs amphetamine recovery was an important circumstance in earlier the bail consideration. The prosecution must establish the applicable NDPS offences by reference to the substance actually identified. The Central Revenue Control Laboratory, Visakhapatnam report itself distinguishes the samples positively identified as etomidate from samples 2 to 7 for which no definitive identity was established. Condition under Section 37 of NDPS is satisfied, counsel in support of his contention has relied on the decisions in the cases of (i) Thana Singh Vs. Central Bureau of Narcotics[1], (ii) Putta Venkateshwarulu Vs. Union of India[2] and (iii) Mohd. Mansha and Others Vs. Union of India[3] and prayed to enlarge the petitioner – A3 on bail.

4. Respondent has filed counter and contended that the present case relates to the alleged recovery of 5.16 kgs of alprazolam, 12.14 kgs of suspected methamphetamine and 91.25 kgs of suspected

[1] MANU/SC/0054/2023
[2] MANU/KA/8089/2019
[3] MANU/JK/0048/2026

amphetamine from multiple locations. Petitioner – A5 is relying upon the chemical examination reports to contend that the substances recovered were identified as etomidate and that the alleged amphetamine and methamphetamine were not established in certain samples. It is pertinent to mention that one of the substances is confirmed as alprazolam which was seized at KRC industries Pvt.Ltd., which is a psychotropic substance. Prosecution has already filed a petition before the learned Trial Court seeking permission to sent the second samples for chemical examination. Therefore the petitioner – A5 cannot seek enlargement of bail by relying upon the chemical examination report while the prosecution requests for further examination remains pending consideration and prayed to dismiss the petition.

5.1 The team of NCB Hyderabad along with two independent witnesses entered into the premises, where they found Edigi Praveen Kumar, Leela Prasad Yandrati and Kaladi Swami Shekhar along with two cleaning staff. During the said search process at the premises 5.16 Kgs of light brown colored powder believed to be Alprazolam and 12.14 Kgs of white crystalline powder believed to be Methamphetamine, which are covered under NDPS Act. E.Praveen Kumar, Y.Leela Prasad, K.Swamy Shekhar inter alia admitted their involvement in procurement, possession and attempt of transport of Alprazolam and Methamphetamine. Basing on their voluntary

statements material objects and incriminating documents were seized. During panchanama proceedings, Leela Prasad informed that white crystalline powder, Mehamphemanine was given to Dasari Srinivas. Search was also conducted in flat No.201, Sai krupa Residency, Sai Krishna Hills, Bachupally, at the time of search, Dasari Srinivas was not present in the premises however his wife and son were found present, they found two transparent pouches containing white crystalline substance suspected to be Methamphetamine was recovered from black bag kept in the study room. Further one transparent plastic bag containing white amorphous powder and stone-like substance suspected to be Ephedrine was recovered from the cabinet of the TV, which is found to be weight about 552 grams.

5.2 On 30.06.2026 pursuant to the Panchnama dated 28.06.2026 NCB Hyderabad officers along with officials from Raichur Rural Police Station, Assistant Drug Controller conducted proceedings at M/s. Activz Lifesciences (I) Private Limited Raichur, Karnataka, room was opened in the presence of K.Sambaiah, Plant Head and four bags containing white crystalline substance related to Batch No.ETM05-26004 were examined. All the four bags indicated the presence of Amphetamine. The substances weighed 38.10 kgs, 45.20 kgs, 3.00 kgs and 4.95 kgs respectively, totaling 91.25 kgs. From the voluntary statement of Praveen Kumar, Leela Prasad and Kaladi Swamy Sekhar it reveals that the petitioner - A5 is the main conspirator for creating

the Synzyme Lifesciences and to supply Amphetamine from Activz Lifesciences to Synzyme Lifesciences without any legal documentation. Leela Prasad prepared the Methamphetamine in Synzyme Lifesciences and supply to Srinivas Dasari, who is absconding. The quantity of Alprazolam and Methamphetamine seized in the case is much higher the notified commercial quantities which underscores the grave and serious nature of the offence.

6. Petitioner – A5 has filed Crl.P.No.12350 of 2026 for grant of regular bail before this Court, the same came to be dismissed on 14.08.2026 with an observation that petitioner –A5 has not made out any case for grant of bail.

7.1 The changed circumstances in the investigation process is that Custom House Laboratory, Visakhapatnam has given a test report on 01.09.2026 and the consolidated sample wise finding are as under:

(i) 73/First sample – 1 – alprazolam confirmed, (ii) 74/First Sample – 2 – no definitive identity established, (iii) 75/First Sample -3 – etomidate identified; methamphetamine not established, (iv) 76/First Sample – 4 – Etomidate identified; methamphetamine not established, (v) 77/First Sample – 5 – Etomidate identified; Methamphetamine not established, (vi) 78/First Sample – 6 - Etomidate identified; methamphetamine not established, (vii) 79/First Sample – 7 – No definitive identity established; ephedrine not established, (viii)

80/First Sample – 8 – Etomidate identified; Amphetamine not established, (ix) 81/First Sample – 9 – Etomidate identified; Amphetamine not established, (x) 82/First Sample – 10 – Etomidate identified; Amphetamine not established, (xi) 83/First Sample – 11 – Etomidate identified; Amphetamine not established, (xii) 84/First Sample – 12 – Etomidate identified; Amphetamine not established and (xiii) 85/First Sample – 13 – Etomidate identified; Amphetamine not established.

7.2 The weight of remnant with plastic pouch (g) as per sample No.1 is 4.8460, as per sample No.2 is 4.5047, as per sample No.3 is 5.2462, as per sample No.4 is 6.3366, as per sample No.5 is 5.0705, as per sample No.6 is 4.8334, as per sample No.7 is 5.0745, as per sample No.8 is 4.8897, as per sample No.9 is 5.6347, as per sample No.10 is 4.7425, as per sample No.11 is 5.2903, as per sample No.12 is 5.4034 and as per sample No.13 is 4.3090.

8. Standing counsel for the respondent has filed copy of the petition in Crl.M.P.No.1393 of 2026, the relief sought therein is to permit the prosecution to send sample-1 to second sample-13 to CFSL, Ramanthapur, Hyderabad, for detailed chemical/forensic analysis, which is pending consideration before the learned Sessions Court.

9. Petitioner – A5 has filed Crl.M.P.No.1323 of 2026 for grant of regular bail after receipt of the report dated 01.09.2026 before the learned Sessions Court, the same came to be dismissed vide order dated 17.09.2023 with an observation that investigation is yet to be progressed as they intend to send the second sample for analysis report and there is a conspiracy among the accused under Section 29 of NDPS Act and alprazolam is also found in the first sample, if the petitioner – A5 is released on bail, it would cause prejudice to the investigating agency and it may hamper further course of investigation.

10.1 In Thana Singh[1] Supreme Court held that re-testing or re-sampling of NDPS samples cannot be permitted as a matter of routine course [the time line is 15 days of receiving the test report].

10.2 In Putta Venkateshwarulu[2] High Court of Karnataka at Bangaluru held that "as per the report of Central Revenue Laboratory seized material is not Ketamine' and prosecution has filed charge sheet and granted bail.

10.3 Mohd. Mansha[3] case is in respect of quash of charge sheet wherein High Court of Jammu and Kashmir held that the prosecution has filed an application for re-testing and the learned Trial Court allowed the application mere asking for the prosecution, which is not permissible in law.

10.4 The decisions cited by the learned counsel for the petitioner – A5 are not applicable to the case on hand.

11.1 Learned standing counsel for the respondent has relied on the decisions in the cases of (i) K.Rajendra Vs. State of Telangana and another[4], wherein the prayer is to set aside the order passed in Crl.M.P.No.428 of 2025 for re-testing.

11.2 In Senior Intelligence Officer, Directorate of Revenue Intelligence, Hyderabad Vs. Bobba Venkat Reddy and Others[5], which is also dealt with re-testing.

11.3 The above said decisions cited by the learned standing counsel for the respondent are not applicable since the present petition is filed for grant of regular bail.

12. A pending application for retesting filed by the prosecution cannot indefinitely suspect an accused right to consideration for bail based on the existing official chemical analysis report. If the foundational premise of the prosecution case [commercial quantity] is altered by an official report the rigor of Section 37 of NDPS cannot be mechanically applied without examining the updated material on record. Holding back liberty based on a mere apprehension that a re-test might revert the quantity back to commercial, cannot over ride a positive, official FSL report currently favouring the accused unless the

[4] Crl.P.No.11023 of 2025, dated 05.09.2025, in the High Court for the State of Telangana
[5] Crl.P.No.1745 of 2021, dated 25.10.2021, in the High Court for the State of Telangana

prosecution demonstrates prima facie tampering or procedural illegality in the initial analysis. Valid report clarifies the substance as a small quantity and is admissible without formal proof. A pending application for retesting filed by the prosecution cannot be used as a ground to curtail the liberty of the petitioner – A5 indefinitely especially when the current statutory record supports a lower classification.

13. Small quantity constitutes a material and fundamental change of circumstances, the petitioner – A5 has made out a case for grant of bail on the following conditions:

i. The petitioner – A5 shall execute 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 learned I Additional District Judge, Medchal Malkajgiri at Kushaiguda.

ii. The petitioner – A5 shall appear before the respondent between 10.00 a.m. to 05.00 p.m., on every Wednesday till filing of charge sheet and shall not involve in similar offences.

iii. The petitioner – A5 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

iv. The petitioner – A5 shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses.

v. In the event of violation of any of the above conditions, the prosecution is at liberty to file an application for cancellation of bail.

14. Accordingly, Crl.P.No.16293 of 2026 is allowed.

Miscellaneous petitions, if any, pending stands closed.

B.R.MADHUSUDHAN RAO, J

Date: 16.10.2026
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