

APPR000039102026



IN THE COURT OF THE SESSIONS :: PRAKASAM DIVISION :: ONGOLE

BEFORE THE SPECIAL COURT DESIGNATED FOR TRIAL OF OFFENCES
UNDER THE NARCOTICS DRUGS & PSYCHOTROPIC SUBSTANCES ACT-
cum- I ADDITIONAL DISTRICT & SESSIONS JUDGE, PRAKASAM DISTRICT AT
ONGOLE.

Present: Smt. T.Rajyalakshmi,
Special Judge under NDPS Act-cum-
I Additional District & Sessions Judge,
Prakasam District, Ongole.

Tuesday, this the 11th day of August, 2026

CRIMINAL MISCELLANEOUS PETITION No.470 of 2026
in Cr.No.9 of 2026 of Martur Police Station.

Between:

1. B.Abdul Azeez(A.1)
S/o Soopi, aged 37 years,
Muslim by Caste, Muroor House,
Muroor Road, Mandekolu Dakshina Kannada,
Karnataka, now at BTM Lay out Plot No.414,
Bangalore City.
2. S.Farzana Begam @ Said Farzana Begam (A.2)
@Husnara, D/o S.Mahaboob Sharif, 42 years,
Muslim, New Colony Pakal, Near GP Office,
Chittor now at Aravind Colony, Nellore Town.

..Petitioners/A.1 & A.2

A N D

The State:: Inspector of Police, Martur PS
Rep. by Incharge Spl.Public Prosecutor, Ongole.

... Respondent/ Complainant.

This petition is coming on 07.08.2026 for hearing before me in the presence of Sri B.Charan Singh and P.V.Nagendra, Advocates for the petitioners/A.1 & A.2 and of Learned Special Public Prosecutor for the respondent/complainant, and after hearing both sides, this Court made the following:-

// ORDER //

1. This bail application filed u/s 187 (3) of Bharatiya Nagarik Suraksha Sanhita (2023) and Under Section 36 A (4) of The Narcotic Drugs And Psychotropic Substances, Act, 1985 praying to grant bail to the petitioners/A.1 & A.2 in Cr.No.9 of 2026 of Martur Police Station registered for the offence U/Sec.8(c) r/w 20(b) (ii) (C) of Narcotics Drugs & Psychotropic Substances Act.
2. Notice of this application is given to the learned Spl.Public Prosecutor.
3. Heard the learned counsel for the petitioners/A.1 & A.2 and the learned Spl. Public Prosecutor.
4. Now the point for determination is "Whether the petitioners/A.1 & A.2 are entitled for bail"?
5. POINT:- The case of the prosecution is that on 15.01.2026 at about 08.30 pm., on receipt of information about transporting of Ganja, the Inspector of Police, Martur P.S., while conducting vehicle checking along with his staff in the presence of mediators at Toll Plaza, Bollpalli village, Martur Mandal, A.1 and A.2 were taken into his custody and on enquiry, A.1 and A.2 stated that in order to earn easy money, A.1 and A.2 purchased Ganja from Balaraj of Araku prior to 15.01.2026 and selling the same to Sanif of Kerala and A.1 used to pay Rs.10,000/- to A.2 for her contribution in purchasing and selling of Ganja and on 13.01.2026, A.1 joined A.2 in Nellore and they reached Araku in White colour Maruti Suzuki Swift D-Zire car vide registration No.KA-01-AF-2743 and purchased 50kgs of Ganja for Rs.1,15,000/-, which was safeguarded in the car which is in between the back seat and dickey and have proceeded to Bangalore via Anakapalli-Vijayawada and on searching A.1 and A.2, the police seized 25packets of Ganja each packet weighing about 2kgs from the secrete chamber of the car and also seized 2 mobiles and cash of Rs.2,000/-

from the possession of A.1 and also seized 1 mobile and cash of Rs.700/- from the possession of A.2 in the presence of mediators under cover of detailed mahazar and basing on the mahazar, the above crime is registered against petitioners and got remanded them to judicial custody.

6. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case and the petitioners have been in judicial custody since 200 days and police failed to file charge sheet within a stipulated time and the petitioners have been suffering from ill health and they have no previous criminal antecedents and therefore, prayed to consider all these things and grant bail to the petitioners.

7. The learned Spl. P.P submitted that though charge sheet has not been filed within a stipulated time but, charge sheet has been filed before filing of this application for default bail and once charge sheet is filed, the right of accused for statutory bail is lost.

8. A perusal of record reveals that petitioners are remanded to judicial custody on 16.01.2026. The charge sheet is to be filed on or before 16.07.2026. But, police not filed charge sheet within a statutory period of 180 days and even they have not filed any petition seeing extension of time. But, they filed charge sheet on 23.07.2026 ie., after 187 days. After filing of charge sheet, this petition is filed under section 187(3) BNSS on 28.07.2026 for grant of default bail to petitioners. Since, the police filed delayed charge sheet even before accused actually filed this application for default bail/statutory bail, the indefeasible right of accused to default bail extinguished. So, petitioners/A.1 and A.2 cannot be permitted to invoke 187(3) BNSS/167 (2) of Cr.P.C., seeking to avail of default bail on the ground that charge sheet was not filed within 180 days of remand period of them to judicial custody. The case of Satender Kumar Antil vs., Central Bureau of Investigation and another, relied on by the petitioners, is no way applicable to the default bail under Section 187(3) of BNSS/167(2) of Cr.P.C and in the said case, guidelines have been issued

to deal with the bail applications of different categories on regular side. As already noted since charge sheet is filed even before petitioners moved this application, their right to default bail extinguished and so they are not entitled for default bail. Accordingly, the point is answered.

9. In the result, the petition is dismissed.

Typed to my dictation directly on System by Stenographer, corrected and pronounced by me in Open Court, this the 11th day of August, 2026

Sd/-T.Rajyalakshmi,
Special Judge under NDPS Act-cum-
I-Addl. District & Sessions Judge, Ongole.

Copies to:

1. The Station House Officer, Martur Town Police Station
2. The Special Public Prosecutor, NDPS Act cases, Ongole.
3. The Counsel for the petitioners.

//t.c.f.b.o.c.//

Sr.Superintendent,
I AD & SJ Court, Ongole.