

IN THE COURT OF I ADDITIONAL DISTRICT & SESSIONS JUDGE
–CUM- SPECIAL JUDGE FOR TRIAL OF OFFENCES UNDER NDPS
ACT: VISAKHAPATNAM

Present: M. Venkata Ramana,
I Additional District & Sessions Judge-cum-
Special Judge for trial of offences Under NDPS Act,
Visakhapatnam

Thursday, the 30th day of July, 2026

CRL.M.P.No.1763/2026

(Cr.No.16/2026 of A. Annavaram Police Station)

Between:

1. Pangi Srinu S/o Balanna, aged 37 years, Cultivation, Balapam Village and Panchayathi, Chinthapalli Mandal, Alluri Seetha Rama Raju District.
2. Krishna Khara @ Korra Vishnu S/o Vijju, aged 25 years, Cultivation, Chintaladole Village, Rollagedda Post, Chitrakonda Block, Malkangiri District, Odisha State.

Petitioners/A.5 and A.7

And:

The State represented by the Station House Officer, A. Annavaram Police Station.

... Respondent/Complainant

This petition came before me on 28.07.2026 for final hearing in the presence of S/s K. Siva, Ch. V. Narayana Rao and B. V. N. Praveen Kumar, Advocates for A.5 and A.7 and of S/s K. Srinivasa Rao, Additional Public Prosecutor – Gr. I for Respondent/Complainant and the matter having stood over for consideration till this day, this Court made the following:

ORDER

1. This petition is filed under Sec. 483 of B.N.S.S., on behalf of A.5 and A.7 in Cr. No. 16/2026 of A. Annavaram Police Station registered for the offence punishable under Sec. 121 (1), 132 r/w 3 (5) of B.N.S., Sec. 3 of P.D.P.P., Act, Sec. 20 (b) (ii) (C) 25 r/w 8 (c) of NDPS Act and

184 of Motor Vehicles Act. The petitioners were remanded to judicial custody on 10.06.2026.

2. The case of the prosecution is that on 10.06.2016 at about 4.30 A.M., at Ramaraopalem Junction of Lothugedda Panchayat, A.1, A.2, A.5 and A.7 were found in possession of 209.040 kgs of Ganjawhile they were transporting the same. A.5 and A.7 are source of the Ganja and they acted as pilots for the vehicle by which the Ganja was being transported. It is the further case of the prosecution that when the Police persons noticed the Car and Motorcycle and tried to stop the vehicles, these Accused persons pelted stones against the police persons and police vehicles with a view to damage the public property. It is the further case of the prosecution that these Accused assaulted Head Constable 933 by punching him and they completely tore his shirt and the Police persons could detain A.1, A.2, A.5 and A.7 and seized 209.040 kgs of Ganja.

3. Heard the counsel for the petitioners and Additional Public Prosecutor – Gr. I.

4. The counsel for the petitioners contended that the petitioners are innocent persons and that they have not committed any offence whatsoever as alleged by the prosecution. It is submitted that the petitioners are falsely implicated by the police and that they are no way concerned with this offence. It is nextly submitted that 209.040 kgs of Ganja is very huge commercial quantity.

5. On the other hand, Additional Public Prosecutor – Gr. I vehemently opposed the petition. It is submitted that there is sufficient

prima facie material appearing against the petitioners. It is nextly submitted that these petitioners caused damage to the public property and assaulted Head Constable 933. It is further submitted that 209.040 kgs of Ganja is huge commercial quantity.

6. Perused the entire material on record consisting of the contents of the petition, counter, charge sheet and other connected papers.

7. After thorough and careful examination and scrutiny of the entire material on record, I am of the view, there is sufficient prima facie material appearing against the petitioners. As such, I do not find sufficient reason to believe that the petitioners have not committed the offence and they are not likely to commit the offence while on bail. As already mentioned supra, it is the case of the Prosecution that these petitioners were caught red handed while they were transporting 209.040 kgs of Ganja. The Ganja seized from the possession of these petitioners is huge, staggering, exorbitant and outrageous commercial quantity.

8. In ***State of Punjab Vs. BALRAJ SINGH @ BILLA (Crl. Appeal No. of 2026 (@ Special Leave Petition (Crl.) No. 896 of 2026), dt.02.06.2026*** the Hon'ble Apex Court held in Para No.18 that

"Upon consideration of the case of the respondent against the twin conditions laid down in Section 37, we are of the view that no case for bail is made out. There are antecedents involving commission of offences of the very same nature under the NDPS Act, therefore it cannot be said that he is not likely to commit such an offence while on bail".

9. In ***State of Punjab Vs. Sukhwinder Singh @ Gora (Crl. Appeal No. of 2026 (Arising out of SLP (Crl.) No.5020 of 2026) Dt.24-04-2026***, the Hon'ble Apex Court held in Para No.9 that

"It is well-settled that in matters involving recovery of contraband in commercial quantity, the twin conditions under Section 37 (1) (b) (ii) of the NDPS Act are mandatory and

entail no relaxation merely on the ground that the accused has undergone prolonged incarceration during the pendency of trial. The provision casts upon the Court a duty to record, before enlarging an accused on bail, its satisfaction on two cumulative conditions, first, that there exist reasonable grounds for believing that the accused is not guilty of the offence charged; and second, that he is not likely to commit any offence while on bail. The recording of such 6 Criminal Appeal No.1700 of 2026 @ SLP (Crl.) No.3326 of 2026 dated 01.04.2026 satisfaction is not a mere formality but a mandatory pre-condition, the non-observance of which vitiates the grant of bail. This Court, in *Kashif* (supra), has held in no uncertain terms that the recording of satisfaction on the twin conditions under Section 37 is mandatory and not merely directory, and that an order granting bail without such recorded satisfaction stands vitiated and cannot be sustained. The same view stands reiterated in *Lalrintluanga Sailo* (supra)".

9. In ***State of Kerala Vs. Rajesh (Crl. Appeal No (S).154-157 of 2020 (Arising out of SLP (Crl.) No (s). 7309-7312 of 2019)***, the Hon'ble Apex Court held in Paras 18 to 21 that

"The jurisdiction of the Court to grant bail is circumscribed by the provisions of [Section 37](#) of the NDPS Act. It can be granted in case there are reasonable grounds for believing that accused is not guilty of such offence, and that he is not likely to commit any offence while on bail. It is the mandate of the legislature which is required to be followed. At this juncture, a reference to [Section 37](#) of the Act is apposite. That provision makes the offences under the Act cognizable and nonbailable. It reads thus:

"37. Offences to be cognizable and nonbailable.—(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 [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 subsection (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." (emphasis supplied) 19. This Court has laid down broad parameters to be followed while considering the application for bail moved by the accused involved in offences under [NDPS Act](#). In ***Union of India Vs. Ram Samujh and Ors.*** 1999(9) SCC 429, it has been elaborated as under:

"7. It is to be borne in mind that the aforesaid legislative mandate is required to be adhered to and followed. It should be borne in mind that in a murder case, the accused commits murder of one or two persons, while those persons who are dealing in narcotic drugs are instrumental in causing death or in inflicting deathblow to a number of innocent young victims, who are vulnerable; it causes deleterious effects and a deadly impact on the society; they are a hazard to the society; even if they are released temporarily, in all probability, they would continue their nefarious activities of trafficking and/or dealing in intoxicants clandestinely. Reason may be large stake and illegal profit involved. This Court, dealing with the contention with regard to punishment under the [NDPS Act](#), has succinctly observed about the adverse effect of such activities in ***Durand Didier v. Chief Secy., Union Territory of Goa*** [(1990) 1 SCC 95]] as under:

24. With deep concern, we may point out that the organised activities of the underworld and the clandestine smuggling of narcotic drugs and psychotropic

substances into this country and illegal trafficking in such drugs and substances have led to drug addiction among a sizeable section of the public, particularly the adolescents and students of both sexes and the menace has assumed serious and alarming proportions in the recent years. Therefore, in order to effectively control and eradicate this proliferating and booming devastating menace, causing deleterious effects and deadly impact on the society as a whole, Parliament in its wisdom, has made effective provisions by introducing this Act 81 of 1985 specifying mandatory minimum imprisonment and fine.

8. To check the menace of dangerous drugs flooding the market, Parliament has provided that the person accused of offences under the NDPS Act should not be released on bail during trial unless the mandatory conditions provided in Section 37, namely,

(i) there are reasonable grounds for believing that the accused is not guilty of such offence; and (ii) that he is not likely to commit any offence while on bail are satisfied. The High Court has not given any justifiable reason for not abiding by the aforesaid mandate while ordering the release of the respondent accused on bail. Instead of attempting to take a holistic view of the harmful socioeconomic consequences and health hazards which would accompany trafficking illegally in dangerous drugs, the court should implement the law in the spirit with which Parliament, after due deliberation, has amended."

20. The scheme of Section 37 reveals that the exercise of power to grant bail is not only subject to the limitations contained under Section 439 of the CrPC, but is also subject to the limitation placed by Section 37 which commences with nonobstante clause. The operative part of the said section is in the negative form prescribing the enlargement of bail to any person accused of commission of an offence under the Act, unless twin conditions are satisfied. The first condition is that the prosecution must be given an opportunity to oppose the application; and the second, is that the Court must be satisfied that there are reasonable grounds for believing that he is not guilty of such offence. If either of these two conditions is not satisfied, the ban for granting bail operates.

21. The expression "reasonable grounds" means something more than prima facie grounds. It contemplates substantial probable causes for believing that the accused is not guilty of the alleged offence. The reasonable belief contemplated in the provision requires existence of such facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence.

10. After considering above all facts and circumstances and after taking gravity of the offence, nature of the offence and quantity of ganja into consideration and in view of three legal positions laid by the Hon'ble Apex Court in the above three referred cases, I am of the view that the petitioners cannot be released on bail at this stage. As such, I do not find any merits in the petition.

11. In the result, the petition is dismissed.

Dictated to the Stenographer – Gr.I, transcribed by her, corrected and pronounced by me on this 30th day of July, 2026.

Sd/- XXX

**I Additional District & Sessions Judge,
Visakhapatnam**