



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

**TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 1040/2026

Between:

1.SIVA SANKAR KALIDINDI, S/O SRINIVASA RAO, AGED ABOUT 35 YEARS,OCC PRIVATE EMPLOYEE, R/O D.NO.3-215, 3RD WARD, ATKUR VILLAGE,UNGUTUR MANDAL, KRISHNA DISTRICT, ANDHRA PRADESH.- 521286

...PETITIONER/ACCUSED

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI,THROUGH THE STATION HOUSE OFFICER,G.K. VEEDHI POLICE STATION,ALLURI SITHARAMA RAJU DISTRICT.

...RESPONDENT/COMPLAINANT

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the petitioner/A1 on bail in Crime No.30/2025 On the file of Gudem Kotha Veedhi PS, Alluri Sitaramaraju Dist. registered under sections 20 (b) (ii) (C), 25 r/w 8(c) NDPS Act on such terms and conditions as deemed fit and proper in the interest of justice.

Counsel for the Petitioner/accused: 1. AMARAVATI LAW CHAMBERS

**Counsel for the
Respondent/complainant:** 1. PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 1040/2026****ORDER:**

This Criminal Petition, under Sections 480 and 483 of the BNSS, has been filed by the Petitioner herein/Accused No.1, seeking regular bail, in Crime No.30/2025 of G.K.Veedhi Police Station, Alluri Sitha Rama Raju District, registered for the offences punishable under Sections 20(b)(ii)(B), 25 read with 8(c) of the NDPS Act.

2. Case of the prosecution is that, the petitioner was found in possession of 41.740 Kgs of Ganja while he was transporting the same by Swift Dzire Car bearing No. AP 39 KM 4224. The police have seized the contraband and the vehicle under the cover of mediator's report. Basing on which, a case in Crime No.30/2025 of G.K.Veedhi Police Station, Alluri Sitha Rama Raju District, was registered for the offences punishable under Sections 20(b)(ii)(B), 25 read with 8(c) of the NDPS Act.

3. Heard Sri P.T.Reddy, learned counsel representing M/s. Amaravati Law Chambers for the Petitioner and Mrs.K.Priyanka Lakshmi, learned Assistant Public Prosecutor on behalf of the State.

4. Learned counsel for the Petitioner would submit that in fact, the Petitioner was taken into custody by the police on 19.10.2025, but he was shown as arrested as if on 21.10.2025 at 04:00 PM. Learned counsel for the Petitioner would further submit that the Petitioner has made a call to his wife

through the phone of the Police Constable in the morning hours on 21.10.2025. He would further submit that there are no criminal antecedents against the Petitioner and Section 37 of NDPS Act, is not a bar for grant of regular bail to the Petitioner. Petitioner has been in judicial custody since 21.10.2025. The allegation that the Petitioner was caught red-handed while he was in conscious possession of a commercial quantity of ganja, i.e., 41.740 kgs., is a concocted story of the police. He finally submits that the Petitioner is ready and willing to furnish sufficient sureties to the satisfaction of the learned Trial Court and to comply with any conditions imposed by this Court, in the event he is enlarged on bail.

5. Learned Assistant Public Prosecutor vehemently opposed the petition and would submit that earlier bail application moved by the Petitioner was dismissed by this Court as withdrawn. She would further submit that the statutory period has not yet been completed, the investigation is still pending, the inventory has not been completed, and the charge sheet has not yet been filed. Learned Assistant Public Prosecutor finally prays for dismissal of the petition.

6. Considering the submissions made and on perusal of the material placed on record, it appears that the police apprehended the petitioner while he was in conscious possession of contraband, i.e., ganja, in a commercial quantity of 41.740 kgs. As rightly contended by the learned Assistant Public Prosecutor, the contention raised in the present petition regarding the alleged custody of the petitioner from 19.10.2025 cannot be adjudicated in this

petition. If such had been the case, the petitioner ought to have informed the concerned Magistrate at the time of his production. Be that as it may, such contentions require an independent enquiry to ascertain their genuineness. In view of the bar under Section 37 of the NDPS Act, this Court is not inclined to release the petitioner on regular bail.

7. The Hon'ble Apex Court in ***State of Kerala v. Rajesh***¹ at Paragraph Nos.8, 19, 20 and 21 held as under:

8. To curb the spread of dangerous drugs, Parliament has mandated that an accused under the NDPS Act cannot be granted bail unless there are reasonable grounds to believe he is not guilty and will not commit offences while on bail. The High Court failed to justify ignoring these mandatory conditions when releasing the accused. Instead of considering the grave socio-economic and health consequences of illegal drug trafficking, the court ought to have enforced the law in the spirit intended by Parliament.

19. Section 37 imposes additional, overriding restrictions on the grant of bail, beyond those under Section 439 CrPC, through its non obstante clause. It prohibits bail unless two mandatory conditions are met: the prosecution is given an opportunity to oppose, and the court is satisfied that there are reasonable grounds to believe the accused is not guilty. If either condition is not fulfilled, the bar against granting bail applies.

20. The term "reasonable grounds" requires more than mere prima facie satisfaction; it demands substantial, probable causes showing the accused is not guilty. Such belief must arise from facts and circumstances sufficient to justify that conclusion. In the present case, the High Court overlooked the strict object of Section 37, and its liberal approach to bail under the NDPS Act was unwarranted.

21. The learned Single Judge failed to record the mandatory finding required under Section 37 of the NDPS Act, which is a sine qua non for granting bail in such cases.

8. In view of the aforesaid facts and circumstances of the case, this Court is of the opinion that the Petitioner does not deserve to be released on regular bail at this stage. Accordingly, the Criminal Petition is dismissed.

¹ (2020) 12 SCC 122

As a sequel thereto, the miscellaneous applications, if any, pending in this Criminal Petition shall stand closed.

DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 17.02.2026.

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192

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 1040/2026

Dt.17.02.2026

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