



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

[3396]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 2916/2026

Between:

1. MOHD NISHAR, S/O. NAYEEMODDIN, AGED ABOUT 23 YEARS,
OCC BUSINESS, R/O. THORLIKONDA V JAKRINPALLY M,
NIZAMABAD DIST. A-1
2. DULAM PARAMESH,, S/O. MALLAIAH, AGED ABOUT 34 YEARS,
OCC DRIVER, THIRMALAPURAM V, GOLLAPELLI M, JAGITYALA
DIST. A-8
3. POTHARAVENI SAIKUMAR, S/O. MALLESHAM, AGED ABOUT 24
YEARS, OCC DRIVER, R/O. RANGADHAMPALLE V GOLLAPELLI M,
JAGITYALA DIST.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY THE PUBLIC
PROSECUTOR, THROUGH SHO OF PS A ANNAVARAM ALLURI
SITHARAMARAJU DIST.

...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 pleased to enlarge the Petitioners by granting bail to the petitioners/Accused Nos.1,8 and 9 in Cr. No.16 of 2025 of A. Annavaram Police Station, of Alluri Sitharamaraju Dist, Pending on the file of the Hon'ble I Addl. District & Sessions Judge-Cum-Special Judge for the trial of Cases under NDPS Act, Visakhapatnam Dist, on any terms and

conditions and to pass such other orders as are Just, Consistent and Expedient in the Circumstances of the Case.

Counsel for the Petitioner/accused(S):

1. RAYAPROLU SRIKANTH

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 2916/2026****ORDER:**

This Criminal Petition, under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the petitioners/Accused Nos.1 8 and 9, seeking regular bail, in Cr. No.16 of 2025 of A.Annavaram Police Station, of Alluri Sitharamaraju District, registered for the offence punishable under Sections 20(b)(ii)(C), 25 r/w 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard Mr.Rayaprolu Srikanth, learned counsel for the petitioners and Mrs.K.Priyanka Lakhmi, learned Assistant Public Prosecutor representing on behalf of the State.

3. As per the case of the prosecution, on 18.10.2025, the petitioners were caught redhanded while they were transporting 97.910 Kgs of ganja. The further case of the prosecution is that A1 and A2 were carrying ganja by two vehicles and A3 and A4 were driving those vehicles.

4. Learned counsel for the petitioners would submit that the petitioners herein are the accused Nos.1 8 and 9. They have been in judicial custody since 18.10.2025. He would further submit that statutory period is also completed. The petitioners have been falsely implicated in the present case. The petitioners undertake to abide by any conditions that may be imposed by

this Court and is ready to furnish adequate sureties to the satisfaction of this Court. He finally prays to allow the petition.

5. Learned Assistant Public Prosecutor vehemently opposed the petition and would submit that the contraband involved in this matter is a commercial quantity of 97.910 Kgs of Ganja. Though, the statutory period is completed in this matter, the Investigating Agency has filed an application seeking extension of time to complete investigation and the same was allowed, extending the remand to 230 days. Learned Assistant Public Prosecutor finally prays for dismissal of the petition.

6. Considering the submissions and a fair look on the material placed before this Court, it is a case where commercial quantity of Ganja is involved, the investigating agency filed an application seeking extension of time to complete the investigation, which is allowed by the Special Court extending the remand period to 230 days, at this juncture, this Court is not inclined to release the petitioners on 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

¹ (2020) 12 SCC 122

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, the request of the petitioners cannot be considered at this juncture inasmuch as there are no reasonable grounds to believe that the petitioners have not indulged in the commission of the alleged offence and if the petitioners are released on bail they would not commit similar offence in future. There are no merits in the Criminal Petition for grant of bail to the petitioners. Hence, the Criminal Petition is liable to be dismissed.

9. Accordingly, the Criminal Petition is dismissed.

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

DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 22.04.2026.

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 2916/2026

Dt.22.04.2026

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