



**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: 2912/2026

Between:

1. PUNNANA TEJA, S/O. SURYANARAYANA LATE, AGED ABOUT 26,
GUNKALAMVILLAGE, VIZIANAGARAM MANDAL AND DISTRICT.
AADHAR NO.958132899739 .

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by its Public
Prosecutor, High Court of Andhra Pradesh At Amaravati.

...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 release the petitioner/Accused-2
on bail in Cr. No. 354 of 2025, of Gandepalli Police Station, Kakinada
District (formally Known as East Godavari District) under sections r/w 20(b)(ii)
of NDPS Act 1985 dated 06-11-2025

Counsel for the Petitioner/accused:

1. KAKUMANU JOJI AMRUTHA RAJU

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 2912/2026****ORDER:**

This Criminal Petition, under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the petitioner/Accused No.2, seeking regular bail, in Cr. No. 354 of 2025, of Gandepalli Police Station, Kakinada District (formerly Known as East Godavari District), registered for the offence punishable under Sections 8(c) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard Sri Kakumanu Joji Amrutha Raju, learned counsel for the petitioner and Mrs.K.Priyanka Lakhmi, learned Assistant Public Prosecutor on behalf of the State.

3. The case of the prosecution in brief, is that, on 06.11.2025, at about 12:50 pm., on information, the SI of police, Gandepalli P.S., along with mediators reached the place on road which is running from Gandepalli to NT Rajapuram at outskirts of Gandepalli Village, where they found that one car was parked and noticed A1 to A3 were inside the car and 13 others on motorcycles. The police could apprehend A1 to A3, while the others managed to escape. The police have seized 21.7 Kgs of Ganja from the possession of the accused under the cover of mediators' report.

4. Learned counsel for the petitioner would submit that the petitioner herein is the accused No.2. The petitioner is innocent and he never committed

any offence and he is falsely implicated in this case. The petitioner has been in judicial custody since 06.11.2025. The petitioner is the sole breadwinner of his family, and his continued incarceration would cause severe hardship to his dependents. The petitioner undertakes to abide by any conditions that may be imposed by this Court and is ready and willing 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 huge commercial quantity of 21.7 Kgs of Ganja. Investigation is still pending and statutory period is also not yet completed. 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, investigation is still pending, at this juncture, this Court is not inclined to release the petitioner 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 petitioner cannot be considered at this juncture inasmuch as there are no reasonable grounds to believe that the petitioner has not indulged in the commission of the alleged offence and if the petitioner is released on bail he would not commit similar offence in future. There are no merits in the Criminal Petition for grant of bail to the petitioner. 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.

UPS

131

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 2912/2026

Dt.22.04.2026

UPS