



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

[3396]

FRIDAY, THE TWENTY FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 3027/2026

Between:

- 1.SAPPA ASHOK, S/O SATYA NARAYANA ,AGED ABOUT 23 YEARS ,
OCC.PRIVATE,R/O D.NO. 12-6-66, BHASKARA
COLONY,PEDDAPURAM, KAKINADA DISTRICT.

...PETITIONER/ACCUSED

AND

- 1.THE STATE OF ANDHRA PRADESH, Rep by its Public
Prosecutor,High court of Andhra Pradesh Through SHO, Kirlampudi
P.S.

...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 Courtmay be pleased to enlarge the
petitioner/accused no.5 on regular bail in Crime no.210/2025 dated
10.12.2025 of kirlampudi police station, Kakinada District,

Counsel for the Petitioner/accused:

- 1.GUMMADI RAWNS SOLOMON

Counsel for the Respondent/complainant:

- 1.PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION No.3027 of 2026****ORDER:**

This Criminal Petition, under Sections 480 and 483 of the BNSS, has been filed by the petitioner herein/Accused No.5, seeking regular bail, in Crime No.210 of 2025 of Kirlampudi Police Station, Kakinda District, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. Case of the prosecution is that, on 10.12.2025 at 3.00 p.m., on NH-16 road which is running from Rajahmundry to Visakhapatnam nearby quay of Polavaram Cannel, Burugupudi Village, Kirlampudi Mandal, Accused Nos.1 to 7 were found in possession of 24.690 KGs of Ganja. The contraband along with other material and vehicles were seized under the cover of mediators report and the petitioner herein was remanded to judicial custody on the even date.

3. Heard Sri G. R. Solomon, learned counsel 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 the petitioner was arrested on 10.12.2025 and since then he is in judicial custody. He would further submit that the petitioner is suffering with ill-health and the petitioner is ready to furnish sureties to the satisfaction of the Court. Learned counsel for

the petitioner finally prays for grant of bail to the petitioner by imposing any conditions.

5. Learned Assistant Public Prosecutor would submit that the investigation is not yet completed. The quantity of contraband involved in present crime is 24.690 Kgs of Ganja, which is a commercial quantity. Statutory period of 180 days is not over. Learned Assistant Prosecutor would further submit that the health condition of the petitioner is stable basing on the medical certificate issued by Civil Assistant Surgeon, Central Prison Hospital, Rajamahendravaram. Learned Assistant Public Prosecutor finally prays for dismissal of the petition in the light of the bar under Section 37 of the NDPS Act.

6. 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

¹ (2020) 12 SCC 122

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.

7. 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. 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: 24.04.2026.

ARB

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 3027 of 2026

Dt. 24.04.2026

ARB