



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

[3396]

**TUESDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 3408/2026

Between:

1. BALLAV KRISHNAKANT ALIAS BENGAL KRISHNA, S/O. RATIKANTH, AGED ABOUT 55 YEARS, R/O. DUPPALAVADA VILLAGE, AND SEELERU PANCHAYAT, GUDDEM KOTHA VEEDHI, VISAKHAPATNAM DISTRICT, PRESENTLY STAYING AT LALACHERUVU, RAJAMAHENDRAVARAM
2. MOTURI VENKATALAKSHMI HARI KUMAR, S/O. SANDHI LATE AGED ABOUT 21 YEARS, R/O. ST COLONY, RAMPACHODAVARAM, EAST GODAVARI DISTRICT

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, THROUGH STATION HOUSE OFFICER, PROHIBITION AND EXCISE STATION, RAJAMAHENDRAVARAM NORTH, REP. BY ITS PUBLIC PROSECUTOR, HIGHCOURT OF ANDHRA PRADESH, AMARAVATHI, GUNTUR 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 pleased to release the petitioner/A1 and A2 on Bail in connection with Crime No. 246 of 2025 in of Proh. Excise Station, Rajamahendravaram, U/s 8 r/w 20(b) (ii) (C) of NDPS Act, 1985, dated 30-10-2025 and pass

Counsel for the Petitioner/accused(S):

1.KAKUMANU JOJI AMRUTHA RAJU

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 3408/2026****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 and 2, seeking regular bail, in Crime No. 246 of 2025 in of Prohibition Excise Station, Rajamahendravaram, 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. The case of the prosecution, in brief, is that, on 30.10.2025, at about 06.30 PM, at vacant place behind Garuda Hotel, which is situated on the left side of the service road adjacent to NH16, Katheru Village the Prohibition and Excise Inspector, Rajamahendravaram North along with his staff and mediators while conducting vehicle checking, apprehended A1 to A6 when they were transporting 33 kgs of Ganja on two motorcycles and he seized the said ganja, motorcycles, mobile phones and case from their possession under the cover of mediators' report.

3. Heard Mr.Kakumanu Joji Amrutha Raju, learned counsel for the petitioners and Mrs.K. Priyanka Lakshmi, learned Assistant Public Prosecutor appearing on behalf of the State.

4. Learned counsel for the petitioners would submit that the petitioners are innocent and that they have not committed any offence as alleged by the prosecution. Learned counsel would further submit that the petitioners were

falsely implicated in this case. The investigation might have been completed by this time. The petitioners have been in judicial custody since 30.10.2025. Learned counsel for the petitioners would submit that the petitioners are ready to furnish sureties to the satisfaction of the Court and finally prays to grant bail to the petitioners.

5. Learned Assistant Public Prosecutor vehemently opposed the petition and submitted that the contraband involved in the present case is a commercial quantity of 33 kilograms of Ganja, the investigation is still pending and that the petitioners have been in judicial custody since 30.10.2025. She would further submit that the prosecution has filed a petition seeking extension of judicial remand before the Special Court and the same is pending. 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 involving 33 Kgs of Ganja, which is a commercial quantity. In the light of the submissions made by the learned Assistant Public Prosecutor that a petition for extension of remand has been filed and the same is pending before the Court and that the investigation is still pending, this Court is not inclined to grant regular bail to the petitioners at this stage.

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

¹ (2020) 12 SCC 122

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, 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: 28.04.2026.

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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Dt.28.04.2026

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