



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

[3521]

TUESDAY, THE 21st DAY OF JULY 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 4558/2026

Between:

ADDAGARLA PRAKASHKUMAR ALIAS ADDOGARLA PRAKASH
KUMAR, S/O. SRINU, 23YEARS, C/VELSMA, PAINTING WORKS,
NEELAMPETA VILLAGE AND POST,NARSIPATNAM MANDAL,
ANAKAPALLI DISTRICT

...PETITIONER/ACCUSED

AND

THE STATE OF ANDHRA PRADESH, Through Station House
Officer,Annavaram Police Station, ASR DistrictRepresented by Pubjic
Prosecutor,High court of ap

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

DUGGIRALA SUBASH

Counsel for the Respondent/complainant:

PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition has been filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the Petitioner/Accused No.3 on bail in Crime No.04 of 2026 on the file of Annavaram Police Station, ASR District, registered against the Petitioner/Accused No.3 herein for the offences punishable under Sections 20(b)(ii)(C), 25 read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. The case of the prosecution, in brief, is that on 09.02.2026, upon receiving credible information regarding the illegal transportation of ganja, the Sub-Inspector of Police, A.Annavaram Police Station, secured the presence of mediators and conducted a vehicle check. On noticing the police, the occupants of the vehicle allegedly attempted to flee. The police apprehended Accused Nos.1 and 2 and seized 308.220 kilograms of ganja from their possession under the cover of a mediators' report. In the course of investigation, the remaining accused, including the present Petitioner/Accused No.3, were shown as absconding on the basis of the alleged confessional statements of Accused Nos.1 and 2. The specific

allegation against the present Petitioner is that he had contacted Accused No.1 and placed an order for 300 kilograms of ganja with the intention of purchasing the same for subsequent sale.

3. Sri K. Ramakanth Reddy, learned Senior Counsel, representing Mr. Duggirala Subhash, learned counsel for the Petitioner, submits that the Petitioner is innocent of the alleged offence and has been falsely implicated in the case solely on the basis of the alleged confessional statements of Accused Nos.1 and 2. It is contended that the said confessional statements are inadmissible in evidence in view of the provisions of 'the NDPS Act' and the law laid down by the Hon'ble Supreme Court. It is further submitted that the Petitioner is the sole breadwinner of his family.

4. The learned Senior Counsel further submits that no contraband was recovered from the possession of the Petitioner and that there is no independent material connecting him with the alleged offence. It is contended that the mandatory safeguards prescribed under 'the NDPS Act', including compliance with Sections 42 and 57, as well as the constitutional requirement of communicating the grounds of arrest, have not been complied with. It is further submitted that the Petitioner was at Tirupati on the date of the alleged offence, that the mobile number attributed to him does not belong to him, and that the prosecution has

failed to substantiate the allegations with any cogent material. Therefore, it is prayed that the Petitioner be enlarged on bail, subject to such conditions as this Court may deem fit.

5. The learned Senior Counsel further submits that the Petitioner is a permanent resident of his native place and there is no likelihood of his absconding or evading the due process of law. It is further submitted that the Petitioner has cooperated with the investigation and undertakes to extend similar cooperation during the course of the trial. Accordingly, it is prayed that the Petition be allowed.

6. *Per contra*, Ms.P.Akhila Naidu, learned Assistant Public Prosecutor, opposed the bail application, submitting that the Petitioner is involved in a grave offence relating to the transportation of 308.220 Kgs of ganja, which is a commercial quantity. It is submitted that the investigation has revealed the Petitioner's involvement in procuring the contraband through Accused No.1 and that there is sufficient material connecting him with the commission of the offence. It is further contended that the rigours of Section 37 of 'the NDPS Act' are attracted. Therefore, it is prayed that the bail application be dismissed.

7. Heard the learned Senior Counsel appearing for the Petitioner, and the learned Assistant Public Prosecutor. Perused the material available on record.

8. As seen from the record, the Petitioner was arrested on 10.04.2026. He has been in judicial custody for the past 102 days. So far, only five witnesses have been examined. The investigation is at a crucial stage. Some more witnesses are yet to be examined. Therefore, the request of the Petitioner for enlarging him on bail at this juncture is not found convincing or reasonable. The role of the Petitioner came to light on the basis of the alleged confessional statements of Accused Nos.1 and 2. It is alleged that the Petitioner intended to purchase 308.220 kilograms of ganja, which is not only a commercial quantity but also a colossal quantity. There is one adverse antecedent reported against the Petitioner. However, the Petitioner has not disclosed the said antecedent in the present bail application.

9. In this regard, it is apposite to refer to the judgment of the Hon'ble Apex Court in **Zeba Khan v. State of U.P.**,¹ wherein, at Paragraph Nos. 47 and 48, it was observed that bail applications are often considered on the basis of *prima facie* material placed before the Court at different stages of the proceedings. The Court held that non-disclosure of material facts, such as criminal antecedents, prior bail rejections, custody period, and the stage of trial, may result in an erroneous grant or refusal of bail. It was further held that every bail applicant is under an

¹ 2026 SCC Online 188

obligation to disclose all material particulars, including criminal antecedents and any coercive processes pending against him, duly supported by an affidavit. Such disclosure is necessary to ensure transparency, uniformity, and integrity in bail adjudication.

10. With regard to the submission of the learned Senior Counsel about the provision of Section 47 of 'the BNSS', as applicable, were not complied with, it has to be pointed out that, on a perusal of the arrest memo and the remand report, it is evident that a copy of the remand report was furnished to the accused. It is also mentioned therein that the Petitioner/Accused No.3 was arrested in Crime No.04 of 2026 on the file of Annavaram Police Station, ASR District, registered for the offences punishable under Sections 20(b)(ii)(C) and 25 read with Section 8(c) of 'the NDPS Act'. The arrest intimation bears the signature of the Petitioner, indicating that the same was duly served upon him.

11. In this regard it is apposite to refer the judgment of the Hon'ble Apex Court in **Vihaan Kumar v. State of Haryana**² wherein at paragraph Nos.11, 12, 16, 18 and 21 (f) it is held as under:

11. The view taken in the case of Pankaj Bansal was reiterated by this Court in the case of Prabir Purkayastha In paragraphs nos. 28 and 29, this Court held thus:

28. The language used in Article 22(1) and Article 22(5) of the Constitution of India regarding the communication of the grounds is exactly the identical. Neither of the constitutional provisions require that the "grounds" of "arrest" or "detention", as the case may be, must

²Special Leave Petition (Crl.).No.13320 of 2025

be communicated in writing. Thus, interpretation to this important facet of the fundamental right as made by the Constitution Bench while examining the scope of Article 22(5) of the Constitution of India would ipso facto apply to Article 22(1) of the Constitution of India insofar as the requirement to communicate the grounds of arrest is concerned.

29. Hence, we have no hesitation in reiterating that the requirement to communicate the grounds of arrest or the grounds of detention in writing to a person arrested in connection with an offence or a person placed under preventive detention as provided under Articles 22(1) and 22(5) of the Constitution of India is sacrosanct and cannot be breached under any situation. Non-compliance of this constitutional requirement and statutory mandate would lead to the custody or the detention being rendered illegal, as the case may be." (emphasis added)

12. This Court held that the language used in Articles 22(1) and 22(5) regarding communication of the grounds is identical, and therefore, this Court held that interpretation of Article 22(5) made by the Constitution Bench in the case of *Harikisan v. State of Maharashtra*, shall ipso facto apply to Article 22(1) of the Constitution of India insofar as the requirement to communicate the ground of arrest is concerned. We may also note here that in paragraph 21, in the case of *Prabir Purkayastha*, this Court also dealt with the effect of violation of Article 22(1) by holding that any infringement of this fundamental right would vitiate the process of arrest and remand. Paragraph 21 reads thus:

21. The right to be informed about the grounds of arrest flows from Article 22(1) of the Constitution of India and any infringement of this fundamental right would vitiate the process of arrest and remand. Mere fact that a charge-sheet has been filed in the matter, would not validate the illegality and the unconstitutionality committed at the time of arresting the accused and the grant of initial police custody remand to the accused." (emphasis added) 3 1962 SCC OnLine SC 117.

16 ...Accepting such arguments, with great respect to the learned senior counsel, will amount to completely nullifying Articles 21 and 22(1) of the Constitution. Once it is held that arrest is unconstitutional due to violation of Article 22(1), the arrest itself is vitiated. Therefore, continued custody of such a person based on orders of remand is also vitiated. Filing a charge sheet and order of cognizance will not validate an arrest which is per se unconstitutional, being violative of Articles 21 and 22(1) of the Constitution of India. We cannot tinker with the most important safeguards provided under Article 22.

18. In the present case, 1st respondent relied upon an entry in the case diary allegedly made at 6.10 p.m. on 10th June 2024, which records that the appellant was arrested after informing him of the grounds of arrest. For the reasons which will follow hereafter, we are rejecting the argument made by the 1st respondent. If the police want to prove communication of the grounds of arrest only based on a diary entry, it is necessary to incorporate those grounds of arrest in the diary

entry or any other document. The grounds of arrest must exist before the same are informed..."

21(f)...When a violation of Article 22(1) is established, it is the duty of the court to forthwith order the release of the accused. That will be a ground to grant bail even if statutory restrictions on the grant of bail exist. The statutory restrictions do not affect the power of the court to grant bail when the violation of Articles 21 and 22 of the Constitution is established."

12. The High Court of Rajasthan in **Prabhulal v. State of Rajasthan**³, held that in view of the rigours of Section 37 of 'the NDPS Act', bail or anticipatory bail can be granted only in exceptional cases satisfying the statutory requirements. The NDPS Act being a special statute, its stringent provisions must be strictly enforced. Thus, it is held at paragraph No.6 as under:

"6. On the other hand, Mr. V.S. Gujar and Mr. Suresh Pareek have vehemently contended that in view of stringent provisions of Section 37 (1) of the N.D.P.S. Act, petitioners are not entitled to get bail even under Section 439, Cr. P.C. and there is hardly any ground to grant them anticipatory bail in such cases. Learned counsel further contended that petitioners are avoiding their arrest and there is sufficient material to establish their involvement in the crime. It was also contended that the bail application under Section 439, Cr. P.C. of co-accused Ram Kumar to whom the contraband articles were to be delivered, as well as the application of co-accused Bharat Singh were rejected by this Court on 15.12.94 and 15.7.94, respectively. In 1994 (3) W.L.C. ([Raj.] 622, while considering the scope of anticipatory bail in a case registered under the N.D.P.S. Act, it was observed by me, as under:-

"The object and reason behind passing the amendments was to make stringent provisions of bail as it was thought that such powers should not be used to defeat the object of the Act and a technical plea should not be a ground for under -serving liberty under the Act. The non-obstante clause in Section 37 (1) of the Act makes it clear that the accused of an offence under the Act is to be severally dealt with and that he should not be allowed to be released on bail unless the conditions contained in Section 37 are satisfied. Though the Act specifically does not prohibit the grant of anticipatory bail under Section 438, Cr. P.C., but the legislative intent can be gathered from Section 37 of the Act which restricts the bail even after the arrest of the offender.

³1995 Supreme(Raj) 935

The Narcotic Drug and Psychotropic Substances Act, 1985 is a special enactment and was enacted with a view to making stringent provisions for the control and regulation of operation relating to narcotic drugs and psychotropic substances. The under lying object of the Act and the stringent provisions of bail introduced by Act No. 2 of 1989 make it clear that anticipatory bail should not be granted in such cases unless the Court is satisfied that the investigating agency was abusing the provisions of the Act with malafide object to arrest any person. In such cases, the law should be allowed to have its own course.

Section 25 of the Act provides punishment to the owner or occupier or having the control or use of any house, room, enclosure, space, place, animal or conveyance to be used for the commission by any other person of an offence punishable under any provision of this Act."

13. The Petitioner has contended that, at the time of the alleged commission of the offence, he was not present at the scene of occurrence and was instead at Tirumala, along with his brother, for darshan. Thus, the Petitioner has raised a *plea of alibi*. However, such a *plea* cannot ordinarily be adjudicated in pre-arrest bail proceedings, as it involves disputed questions of fact requiring appreciation of evidence during trial.

14. In this regard it is apposite refer the judgment of the Hon'ble Apex Court in **Binay Kumar Singh v. State of Bihar**⁴, wherein it is held that a *plea of alibi* is a rule of evidence under Section 11 of the Indian Evidence Act, 1972, and not a statutory defence. Once the prosecution establishes the presence of the accused at the scene of occurrence, the burden lies heavily on the accused to prove the *plea of alibi* by strict and cogent evidence. Thus, it is held at paragraph Nos.22 and 23 as under:

⁴ (1997) 1 SCC 283

22. We must bear in mind that an alibi is not an exception (special or general) envisaged in the Penal Code, 1860 or any other law. It is only a rule of evidence recognised in Section 11 of the Evidence Act that facts which are inconsistent with the fact in issue are relevant. Illustration (a) given under the provision is worth reproducing in this context:

“The question is whether A committed a crime at Calcutta on a certain date; the fact that on that date, A was at Lahore is relevant.”

23. The Latin word alibi means “elsewhere” and that word is used for convenience when an accused takes recourse to a defence line that when the occurrence took place he was so far away from the place of occurrence that it is extremely improbable that he would have participated in the crime. It is a basic law that in a criminal case, in which the accused is alleged to have inflicted physical injury to another person, the burden is on the prosecution to prove that the accused was present at the scene and has participated in the crime. The burden would not be lessened by the mere fact that the accused has adopted the defence of alibi. The plea of the accused in such cases need be considered only when the burden has been discharged by the prosecution satisfactorily. But once the prosecution succeeds in discharging the burden it is incumbent on the accused, who adopts the plea of alibi, to prove it with absolute certainty so as to exclude the possibility of his presence at the place of occurrence. When the presence of the accused at the scene of occurrence has been established satisfactorily by the prosecution through reliable evidence, normally the court would be slow to believe any counter-evidence to the effect that he was elsewhere when the occurrence happened. But if the evidence adduced by the accused is of such a quality and of such a standard that the court may entertain some reasonable doubt regarding his presence at the scene when the occurrence took place, the accused would, no doubt, be entitled to the benefit of that reasonable doubt. For that purpose, it would be a sound proposition to be laid down that, in such circumstances, the burden on the accused is rather heavy. It follows, therefore, that strict proof is required for establishing the plea of alibi. This Court has observed so on earlier occasions (vide *Dudh Nath Pandey v. State of U.P.* [(1981) 2 SCC 166 : 1981 SCC (Cri) 379] ; *State of Maharashtra v. Narsingrao Gangaram Pimple* [(1984) 1 SCC 446 : 1984 SCC (Cri) 109 : AIR 1984 SC 63]).

15. Further, the Hon’ble Apex Court in **Kamal Prasad v. State of Chhattisgarh**⁵, held that the *plea of alibi* is a rule of evidence under Section 11 of the Evidence Act, and the burden lies on the accused to

⁵ (2023) 10 SCC 172

prove it by strict and cogent evidence after the prosecution establishes its case. Thus, it is held at paragraph No.24 as under:

24. The principles regarding the plea of alibi, as can be appreciated from the various decisions [Dhananjay Chatterjee v. State of W.B., (1994) 2 SCC 220 : 1994 SCC (Cri) 358; Binay Kumar Singh v. State of Bihar, (1997) 1 SCC 283 : 1997 SCC (Cri) 333; Jitender Kumar v. State of Haryana, (2012) 6 SCC 204 : (2012) 3 SCC (Cri) 67; Vijay Pal v. State (NCT of Delhi), (2015) 4 SCC 749 : (2015) 2 SCC (Cri) 733; Darshan Singh v. State of Punjab, (2016) 3 SCC 37 : (2016) 1 SCC (Cri) 702; Mukesh v. State (NCT of Delhi), (2017) 6 SCC 1 : (2017) 2 SCC (Cri) 673; Pappu Tiwary v. State of Jharkhand, (2022) 17 SCC 664 : 2022 SCC OnLine SC 109] of this Court, are:

This extract is taken from Kamal Prasad v. State of Chhattisgarh, (2023) 10 SCC 172 : (2024) 1 SCC (Cri) 40 : 2023 SCC OnLine SC 1300 at page 178

24.1. It is not part of the General Exceptions under IPC and is instead a rule of evidence under Section 11 of the Evidence Act, 1872.

This extract is taken from Kamal Prasad v. State of Chhattisgarh, (2023) 10 SCC 172 : (2024) 1 SCC (Cri) 40 : 2023 SCC OnLine SC 1300 at page 178

24.2. This plea being taken does not lessen the burden of the prosecution to prove that the accused was present at the scene of the crime and had participated therein.

This extract is taken from Kamal Prasad v. State of Chhattisgarh, (2023) 10 SCC 172 : (2024) 1 SCC (Cri) 40 : 2023 SCC OnLine SC 1300 at page 178

24.3. Such plea is only to be considered subsequent to the prosecution having discharged, satisfactorily, its burden.

This extract is taken from Kamal Prasad v. State of Chhattisgarh, (2023) 10 SCC 172 : (2024) 1 SCC (Cri) 40 : 2023 SCC OnLine SC 1300 at page 179

24.4. The burden to establish the plea is on the person taking such a plea. The same must be achieved by leading cogent and satisfactory evidence.

This extract is taken from Kamal Prasad v. State of Chhattisgarh, (2023) 10 SCC 172 : (2024) 1 SCC (Cri) 40 : 2023 SCC OnLine SC 1300 at page 179

24.5. It is required to be proved with certainty so as to completely exclude the possibility of the presence of the accused at the spot of the crime. In other words, a standard of "strict scrutiny" is required when such a plea is taken.

16. Furthermore, this Court in **Sanikommmu Vijaya Bhaskar Reddy v. State A.P.**,⁶ held that a *plea of alibi* raises a disputed question of fact,

⁶ MANU/AP/0851/2022

which can be decided only after appreciation of evidence during trial and cannot be considered at the stage of discharge. Accordingly, the trial Court rightly refused to discharge the accused. Thus, it is held at paragraph No.5 as under:

5. The trial Court dismissed the said petition by the impugned order on the ground that at the stage of framing charges, the Court is only required to see whether the uncontroverted allegations made by the prosecution and the evidence produced in support of the said allegations prima facie disclose the commission of the offences by the accused or not and that the disputed question of fact and the plea of defence taken by the accused cannot be taken into consideration at pre-trial stage. This Court does not find any legal flaw or infirmity in the impugned order of the trial Court. When the accused has taken a plea of alibi, undoubtedly it is a matter relating to question of fact as to whether the accused was present at the scene of offence at the time of the offence or not. In a way, it amounts to taking a plea of alibi by the accused. It is settled law that the burden of proving the said plea of alibi is on the accused. Therefore, they are all disputed questions of fact which requires evidence and appreciation of the same in the final adjudication of the case. The said ground that accused No. 4 was elsewhere at the time of commission of the offence cannot be a ground to discharge him from the said case. Therefore, the impugned order of the trial Court is perfectly sustainable under law and it calls for no interference in this criminal revision case.

17. It is also further apposite to refer the judgment of the Hon'ble Apex Court in **Udari Laxman @ Lachaiah**⁷, particularly paragraphs 4 and 5, wherein it is held as follows:

4. Through the impugned order, the High Court, had considered the grant of bail to accused no.7, has rejected the same to accused nos.3 and 5. who are the appellants herein in the instant matters. The learned senior counsel for the appellants has referred in detail to the nature of allegations made against the appellants, and to controvert the same, the learned senior counsel for the respondent-complainant as also the learned would contend that counsel for the respondent-State accused nos.3 and 5. who are the appellants herein, had taken an active part in the commission of the crime. In that regard, having noted, we see no major difference between the role assigned to A-7, to whom the bail has been granted by the High Court through its impugned order, and

⁷ Criminal Appeal No.1849 of 2023

the role which is assigned to accused nos. A3 and A5, who are the appellants herein.

5. In that circumstance, when the High Court had considered it fit and appropriate to grant bail to the accused no.7 therein, we are of the opinion that the appellants herein, who are accused nos.3 and 5 respectively, are entitled to parity.

18. A careful reading of paragraphs 4 and 5 of the aforesaid judgment shows that the Hon'ble Supreme Court held that when the role attributed to the accused is similar to that of a co-accused who has already been granted bail, the principle of parity would entitle such accused to the same relief, in the absence of any distinguishing circumstances.

19. It is further held by the Hon'ble Supreme Court in **Rajinder Rajan (Dr) v. Union of India**⁸, particularly paragraphs 16 to 22, wherein it is reiterated the mandatory requirement of communicating the grounds of arrest in writing to the arrested person in terms of the constitutional mandate and the law laid down in **Mihir Rajesh Shah**⁹.

16. Shri Kaushik further submitted that the fact regarding the grounds of arrest having been explained to the accused is specifically mentioned in the compliance report under Section 57 of the NDPS Act, 1985, forwarded by the seizure officer to the Assistant Director, NCB, Punjab.

17. Shri Kaushik submitted that the appellants intentionally and deliberately procured the huge consignment of Tramadol tablets from the manufacturer M/s. Ballista Pharmaceuticals, even though the license issued to the hospital specifically excluded Tramadol from the permitted items.

18. He fervently contended that there is no violation of the principles laid down by this Court in Mihir Rajesh Shah³ and even otherwise,

⁸ 2026 SCC OnLine SC 802

⁹ (2026) 1 SCC 500

the appellants are not entitled to be released on bail, considering the gravity of the offence.

19. *We have given our anxious consideration to the submissions advanced at bar and have gone through the material available on record.*

20. *It is no longer res integra that supplying the grounds of arrest to the accused in writing before the arrest or, in a given case, under exceptional circumstances, immediately thereafter, is the mandate of the constitutional guarantees provided under Article 22(1) read with Article 21 of the Constitution of India. The ratio of the judgment in Mihir Rajesh Shah³ conclusively holds that any deviation from the above principle would lead to the arrest of the accused being declared illegal entitling such accused to be released forthwith.*

21. *Shri Kaushik tried to convince the Court that the grounds of arrest were orally explained to the accused at the time of preparation of the arrest memo. We have perused the arrest memo placed on record by Shri Kaushik and extract the same for the sake of ready reference:—*

“Arrest Memo

Consequent upon the recovery/seizure of 2000 Tablets of Tramadol on 02/05/2025 from Corporate Chemist inside Corporate Hospital, Batola Road, Amritsar-14300/and on the basis of voluntarily statement dated 02/05/2025 of Rajinder Rajan S/O Janak Raj R/o D-84, Ranjit Avenue, Amritsar, Punjab recorded u/s 67 of NDPS Act, 1985 having reasons to believe that Rajinder Rajan has violated section 8 and 22 of NDPS act and committed offence punishable u/s 8 and 22 of NDPS Act; accordingly, I place Rajinder Rajan under arrest on 02/05/2025 at 2300 hrs. I have explained the ground of arrest to him/her before arrest.

(SD)”

22. *On going through the arrest memo, we find that it has been prepared in a template format and contains a statement to the effect that the arresting officer had explained the grounds of arrest to the accused before the arrest. Thus, the arrest memo, by itself, reflects that the grounds of arrest had been orally explained to the accused before the process of formal arrest was undertaken. Consequently, it was incumbent upon the arresting officer to have supplied the memo of grounds of arrest in writing to the accused two hours prior to producing them before the Magistrate as per the mandate of Mihir Rajesh Shah which apparently has not been followed in this case.*

20. It is further held by the Hon'ble Supreme Court in **State of Karnataka v. Sri Darshan**¹⁰, particularly paragraph Nos.20.2 and 20.2.1, wherein it is held as follows:

20.2. Courts are not expected to render findings on the merits of the case at the bail stage.

20.2.1. It is a settled principle that at the bail stage, courts are precluded from undertaking a detailed examination of evidence or rendering findings that touch upon the merits of the case. Only a prima facie assessment of the material is warranted. The court cannot conduct a mini-trial or record conclusions that could influence the outcome of the trial.

21. The learned Trial Court, while dismissing the bail application filed by the Petitioner/Accused No.3, erroneously observed that the Petitioner was remanded to judicial custody on 09.02.2026. In fact, it was only Accused Nos.1 and 2 who were remanded to judicial custody on that date, whereas the Petitioner/Accused No.3 was arrested subsequently.

22. A perusal of the remand report reveals that the Investigating Officer informed the Petitioner of the grounds of his arrest and the facts constituting the offence. He was also informed of his right to seek legal advice and other legal remedies, if any. The remand report further discloses that these particulars were communicated to the Petitioner in a language and dialect understood by him. Therefore, the contention of the learned Senior Counsel for the Petitioner that the mandatory

¹⁰ 2025 SCC OnLine SC 1702

requirements of Section 47 of 'the BNSS' or any other provision were not complied with is devoid of merit and is accordingly rejected.

23. It was also observed that the statutory period of judicial remand for 180 days is also not completed. In this connection, it is relevant to refer the following decisions of the Hon'ble Apex Court.

24. In ***Union of India v. Ram Samujh***¹¹, the Hon'ble Supreme Court at Paragraph No.7 observed that narcotic offences have a grave and far-reaching impact on society, destroying numerous lives. The Court further held that drug traffickers pose a continuing threat to society and, therefore, the statutory restrictions must be strictly enforced.

25. In ***Durand Didier v. State (UT of Goa)***¹², the Hon'ble Apex Court at Paragraph No.24, observed that illicit trafficking of narcotic drugs has become a serious social menace, particularly affecting the youth. The Court further noted that, in view of its devastating impact on society, Parliament enacted stringent provisions under the NDPS Act to effectively combat the menace.

26. The Hon'ble Apex Court in ***State of Kerala v. Rajesh***¹³, at Paragraph Nos.8, 19, 20 and 21, held that bail under the NDPS Act can be granted only upon strict compliance with the mandatory conditions prescribed under Section 37. The Court further observed that

¹¹(1999) 9 SCC 429

¹²(1990) 1 SCC 95

¹³(2020) 12 SCC 122

"reasonable grounds" require substantial material showing that the accused is not guilty, and recording such a finding is a sine qua non for grant of bail.

27. Considering the entire facts and circumstances of the case and in view of the law laid down by the Hon'ble Apex Court in **Ram Samujh, Durand Didier** and **Rajesh**, 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 he would not commit the similar offence in future. There are no merits in this case for grant of bail to the petitioner. Hence, this Criminal Petition is liable to be dismissed.

28. In the result, the Criminal Petition is dismissed.

As a sequel, Miscellaneous petitions, if any pending, shall stand closed.

DR. Y. LAKSHMANA RAO, J

Date: 21.07.2026
RSI

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 4558 of 2026

Date: 21.07.2026
RSI