

Date of reserved for orders : Nil
Date of pronouncement : 29.06.2026
Date of uploading :

APHC010284622026



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

[3521]

MONDAY, THE 29th DAY OF JUNE 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 4576/2026

Between:

1.KADABALA SIVA KUMAR REDDY, , S/O, SATYANARAYANA REDDY,A/30 YEARS, C/KONDA REDDY, PEDDA ADEEAPALLI VILLAGE,GANGAVARAM MANDAL, POLAVARAM DISTRICT

...PETITIONER/ACCUSED

AND

1.THE STATE OF ANDHRA PRADESH, , through the Station House Officer,Maredumilli Poince Station,Represented by Public Prosecutor,High court of Andhra Pradesh at Amaravathi

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1.DUGGIRALA SUBASH

Counsel for the Respondent/complainant:

1.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.1 on bail in Crime No.12 of 2023 of

Maredumilli Police Station, Alluri Sitharama Raju District, registered against the Petitioner/Accused No.1 herein 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. Mr. Duggirala Subash, learned counsel for the Petitioner, submits that the Petitioner is innocent of the alleged offence. He has been falsely implicated in this case. He has not committed any offence. He is a law-abiding citizen. He has got fixed abode. The Petitioner undertakes to abide by any conditions that this Court may impose while granting bail. Hence, it is urged to allow the Criminal Petition.

3. *Per contra*, Mr. P. Somayaji, learned Assistant Public Prosecutor, opposed the grant of bail to the Petitioner and submits that the investigation is not completed, and some more material witnesses are yet to be examined. It is also submitted that the Petitioner indulged in the possession and transportation of a commercial quantity of Ganja. Hence, it is urged to dismiss the Criminal Petition.

4. Heard the learned counsel for the Petitioner and the learned Assistant Public Prosecutor. Perused the record.

5. On perusal of the record, the Petitioner was arraigned as Accused No.1. His role has come to light based on the confession of Accused No.3. Accused No.2 was enlarged on bail on 27.11.2023. The Petitioner was arrested on 23.02.2026. He has been in judicial custody for the past 126 days. The allegation against the Petitioner is that he was transporting the seized ganja.

The seized ganja is of commercial quantity. The principle of parity cannot be applied, as Accused No.2 was enlarged on bail by a learned Judge of this Court on the observation that the seized quantity was not a commercial quantity. In the present case, however, the seized quantity is indeed commercial in nature, i.e., 25 Kgs.

6. Further, there are four similar adverse antecedents reported against the Petitioner i.e., Cr.No.04 of 2016 of Y. Ramavaram Police Station, Polavaram District; Cr.No.88 of 2021 of Rampachodavaram Police Station, Polavaram District; Cr.No.66 of 2021 of Gangavaram Police Station, Polavaram District; and Cr.No.698 of 2022 of Bommuru Police Station, East Godavari District. All are punishable under Sections 8(c) read with 20(b)(ii)(C) of 'the NDPS Act'.

7. Be that as it may, the Petitioner/Accused No.1 is presumed to be innocent until the guilt is proved. The Hon'ble Apex Court in **Prabhakar Tewari v. State of Uttar Pradesh**¹, at para No.7, observed that mere pendency of criminal antecedents itself is not a ground to deny the request for grant of bail.

8. However, the investigation is still at a nascent stage. Some more material witnesses are to be examined, and a substantial portion of the investigation is yet to be completed. Therefore, the request of the Petitioner for enlargement on bail is not found convincing or reasonable at this juncture.

9. Further, 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.

¹ (2020) 11 SCC 648

10. In **Union of India v. Ram Samujh**², 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.

11. In **Durand Didier v. State (UT of Goa)**³, 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.

12. The Hon'ble Apex Court in **State of Kerala v. Rajesh**⁴, 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 '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.

13. 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 the investigation is still at crucial stage. There are no merits in this case for grant of bail to the Petitioner. Hence, this Criminal Petition is liable to be dismissed.

² (1999) 9 SCC 429

³ (1990) 1 SCC 95

⁴ (2020) 12 SCC 122

14. 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:29.06.2026
PRA

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

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PRA