

APHC010521952025



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

[3396]

WEDNESDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 10196/2025

Between:

1. R VIJAY ALIAS GUNDLAGRAM RAVICHANDRAN VIJAY, S/O LATE RAVICANDRAN AGED 24 YEARS, RACHUM VILLAGE, YADAMARRI MANDAL. CHITTOR.
2. KM RAJASEKHAR ALIAS KANDIGA MAHADEVAN RAJASEKHAR, S/O MAHADEVAN AGED 22 YEARS, PATRAPALLI VILLAGE YADSAMARRI MANDAL. CHITTOR.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by its Public Prosecutor, High Court of Judicature of Andhra Pradesh 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 petitioners on bail in Cr. No 34/2025 Chinturu Police Station and pass

Counsel for the Petitioner/accused(S):

1. KOPPISETTI PARVATI DEVI

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO:10196/2025****ORDER:**

This Criminal Petition, under Sections 480 and 483 of the BNSS, has been filed by the petitioner herein/Accused Nos.3 and 4, seeking regular bail, in Crime No.34 of 2025 on the file of Chinturu Police Station, Alluri Sitharamaraju, registered for the alleged offences punishable under Sections 20(b)(ii)(C), read with 8(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short, 'the NDPS Act').

2. The case of prosecution is that on 27.05.2025, at about 17.00 hours at RTC Busustand, Chinturu village and Mandal, wherein S.I of Police along with his staff and mediators while conducting vehicle checking, 30 kgs of ganja in two plastic bags from Malkangiri, Odisha State to Chittoor District, illegally, the Sub-Inspector of Police, apprehended the accused Nos.3 and 4 with the assistance of his staff and seized 30 kgs of ganja from the possession of the accused Nos.3 and 4 as they have purchased Ganja from A.1 in order to hand over the same to A.2.

3. No representation on behalf of the petitioners/A.3 and A.4

4. Mrs.K.Priyanka Lakshmi, learned Assistant Public Prosecutor on behalf of the State would submit that the investigation is not yet completed. The quantity of contraband involved in present crime is 30 kgs of Ganja, which is a commercial quantity. Prosecution has filed petition for confiscation of the property. The Statutory period of 180 days is over. Learned Assistant Public Prosecutor finally prays for dismissal of the petition in the light of the bar under Section 37 of NDPS Act.

5. 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 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.

¹ (2020) 12 SCC 122

6. In view of the aforesaid facts and circumstances of the case, the petitioner does not deserve for grant of regular bail at this stage. 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: 11.02.2026
KKV

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 10196/2025
Dt. 11.02.2026

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