

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY ,THE SEVENTEENTH DAY OF NOVEMBER

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 11581 OF 2025



Between:

1. Jaiselan Raj Kumar, S/o. Jaiselan, aged about 34 years, R/o. 39, Mada Kovel Street, Amdikare, Chennai City, Tamil Nadu State
2. Ramayya Srinivas, S/o. Ramayya, aged about 45 years, R/o. 17, Uandikara Street, Thiruvarur City, Thiruvarur District, Tamil Nadu State

Petitioners/Accused 4,6

AND

The State of Andhra Pradesh, Rep by its Public Prosecutor, High Court of Andhra Pradesh.

Respondent/Complainant

Petition under Section 439 (1) of Cr.P.C, (New Section 483 (1) of BNSS, 2023) praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to modify the order passed by the Hon'ble Metropolitan Sessions Judge-cum- Special Judge for Trial of Offences under NDPS Act, Visakhapatnam in CrI.M.P. No. 1273/2019 in Cr. No. 216/2018 dated 17.07.2019 by considering the situation of the Petitioners/Accused No.4, 6 as Petitioners/A4 and A6 are enlarged on bail on condition that they shall execute personal bonds for Rs.10,000/- with single surety for a like sum to the satisfaction of the Hon'ble XIII Addl. District and Sessions Judge Court, Gajuwaka, Visakhapatnam District" instead of Petitioners/A4 and A6 are enlarged on bail on condition that they shall execute personal bonds for Rs.50,000/- with two sureties for a like sum each to the

satisfaction of the Hon'ble Metropolitan Sessions Judge-cum-Special Judge for Trial of Offences under NDPS Act, Visakhapatnam and permit the Petitioners/Accused No.4, 6 to deposit the surety bond amount of Rs. 10,000/- each with single surety instead of Rs.50,000/- each with two sureties

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI GOLLAPALLI MAHESWARA RAO Advocate for the Petitioners, PUBLIC PROSECUTOR for the Respondent and the Court made the following
ORDER

The learned counsel for the petitioners submits that the petitioners have been in judicial custody for the past seven (07) years and that the trial has not yet commenced.

It is submitted that thousands of cases are pending on the file of the learned Metropolitan Sessions Judge-Cum-Special Judge for Trial of Offences under NDPS Act at Visakhapatnam, for trial. The present case has been transferred to the learned XIII Additional District and Sessions Judge, Gajuwaka.

It is reported that thousands of cases are pending for scrutiny before the learned Metropolitan Sessions Judge for giving NSC Number. Without appropriate and adequate infrastructure and sufficient number of Courts being provided, it would be highly difficult for the learned Courts to conduct trial and dispose of the cases.

This case is a classic example where the petitioners languishing in jail for seven years without there being any trial.

Keeping the petitioners for years together in jail as remand prisoners is a violation of Article 21 of the Constitution of India and it is against the fundamental right of the petitioners as per the decision of

the Hon'ble Supreme Court in Hussainara Khatoon (IV) v. Home Secretary State of Bihar¹.

It is brought to notice that the Government has agreed in principle to establish thirteen (13) dedicated fast track NDPS Courts in the cadre of Sessions Judges apart from existing Courts for conducting trial of thousands of NDPS cases pending across the Northeastern Districts of the State. Therefore, this Court intends to know about the progress regarding the establishment of the said Special Courts in the required areas.

It is brought to the notice that, as per the directive of the Government of India vide letter dated 13.09.2022, the Home Department, Government of Andhra Pradesh, sent a proposal for creation of thirteen (13) NDPS Courts. Since more than three (03) years have passed, no remarkable progress in the establishment of the above thirteen Courts is noticed. Thousands of under-trial prisoners are languishing in jails without there being any trials because of lack of a sufficient number of Special Courts established for trying NDPS cases. On several occasions, this Court orally informed the prosecution to expedite the process of establishing thirteen Special Courts to cater to the requirements. Yet, there is no progress at all. Therefore, it is felt expedient to ascertain the progress of establishing the Special Courts. The presence of the Principal Secretary (Finance), and the concerned Police Officer in the Office of the Director General of Police is required through Video Conference to know about the progress in the matter.

It is further reported that the Government, in its wisdom, has constituted an Eagle Team headed by an officer in the cadre of Inspector General of Police to combat drugs peddling in the State.

Post on 24.11.2025.

The Registrar (Judicial) is directed to submit the pendency of the NDPS cases registered in the judicial Districts of West Godavari, East

¹ Air 1979 SC 1360

Godavari, Visakhapatnam, Vizianagaram and Srikakulam, and also pending in other Districts.

SD/-T.SRINIVASA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Registrar (Judicial), High Court of Andhra Pradesh, Amaravati (**BY SPECIAL MESSENGER**)
2. The Metropolitan Sessions Judge-Cum-Special Judge for Trial of Offences under NDPS Act at Visakhapatnam
3. The XIII Additional District and Sessions Judge, Gajuwaka.
4. The Principal Secretary (Finance), AP Secretariat, Amaravati (**BY SPECIAL MESSENGER**)
5. The Director General of Police, Mangalagiri, Guntur District(**BY SPECIAL MESSENGER**)
6. One CC to SRI. GOLLAPALLI MAHESWARA RAO Advocate [OPUC]
7. Two CCs to PUBLIC PROSECUTOR, High Court of A.P[OUT]
8. **One spare copy**

HIGH COURT

DR.YLR,J

DATED:17/11/2025

POST ON 24.11.2025

ORDER

CRLP.No.11581 of 2025

DIRECTION

