Date of reserved for orders :
Date of pronouncement :30.06.2026
Date of uploading :

APHC010311832026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3521]
(Special Original Jurisdiction)

TUESDAY, THE 30th DAY OF JUNE 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 4962/2026

Between:

1. LAKE SAHADEV ALIAS TIGER LAKE SAHADEV ALIAS TIGER SAI, S/O. GOPALA RAO, AGE 33 YEARS, C/ST BHAGATHA,GADAPARI VILLAGE, CHINTAPALLI MANDAL,ASR DISTRICT

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, rep. by Public Prosecutor, High Court At Amaravati Thorough S.H.O., Gangavaram PSASR 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 enlarge the Petitioner/accused no.1 on bail in Crime No. 83 of 2024 on the file of Gangavaram PS, Alluri Seetha Ramaraju District, and pass

Counsel for the Petitioner/accused:

1. G VENKATA REDDY

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.83 of 2024 of Station House Officer, Gangavaram Police Station, Alluri Sita Ramaraju 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') and Section 111 (2) (b) of the Bharatiya Nyaya Sanhita, 2023(for brevity 'the BNS').

2. Mr. Venkata Reddy, 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 has been arraigned as Accused No.1. His alleged involvement came to light on the basis of the confessional statements of Accused Nos.3 to 6. The petitioner was arrested on 10.02.2026 and has been in judicial custody for the past 143 days. The allegation against the petitioner is that he was transporting the seized 187 kilograms of ganja, which is a commercial quantity under the Narcotic Drugs and Psychotropic Substances Act, 1985.

6. Further, two similar criminal antecedents have been reported against the petitioner, namely, Crime No.125 of 2020 and Crime No.101 of 2021. Both cases are punishable under Section 8(c) read with Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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. So far 10 witnesses were examined. 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.

[1] (2020) 11 SCC 648

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.

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

[2] (1999) 9 SCC 429
[3] (1990) 1 SCC 95
[4] (2020) 12 SCC 122

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.

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:30.06.2026
JLSR

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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Date: 30.06.2026
JLSR