APHC010333472026

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

FRIDAY, THE 17th DAY OF JULY 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 5311/2026

Between:

BAKTULA SIMHADRI,, C/O. DEVI,AGED 25 YEARS, OCC. PRIVATE JOB,R/O. 5-89, PADALAMMAPURAM,NEAR DURGA DEVI TEMPLE,THIMMAPURAM VILLAGE, KAKINADA RURALKAKINADA DISTRICT-533 005.

...PETITIONER/ACCUSED

AND

THE STATE OF ANDHRA PRADESH, Rep. by its Public Prosecutor,High Court of Andhra Pradesh at Amaravati.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

BATTULA SANJAIAH GANDHI

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.25 of 2026 of K.D.Peta Police Station, Anakapalli 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. Mr.Sanjaiah Gandhi Battula, the learned counsel for the Petitioner, submits that the Petitioner is innocent of the alleged offence and he has been falsely implicated in the alleged offence. 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 to the Petitioner. Hence, it is urged to allow the petition.

3. *Per contra*, Ms. P. Akhila Naidu, learned Assistant Public Prosecutor, vehemently opposed the grant of bail to the petitioner, submitting that the investigation is still underway and several material witnesses remain to be examined. It is contended that, if the petitioner is released on bail at this stage, there is a strong likelihood that he may abscond, thereby hampering

the ongoing investigation and evading the process of law. In view of the foregoing submissions, it is urged that the petition be dismissed.

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

5. As seen from the record, the petitioner is arrayed as Accused No.3. There are no adverse antecedents reported against the petitioner. However, the petitioner was arrested on the spot while he was found in conscious and illegal possession and transportation of 50.00 kgs of ganja, which is a commercial quantity. The petitioner was arrested on 29.04.2026 and has been in judicial custody for the past 75 days. So far, only seven witnesses have been examined. Some more crucial witnesses are yet to be examined.

6. 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.

7. In ***Union of India v. Ram Samujh***[1]***,*** 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.

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[1]*(1999) 9 SCC 429*

8. In ***Durand Didier v. State (UT of Goa)[2],*** 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.

9. The Hon'ble Apex Court in ***State of Kerala v. Rajesh[3],*** 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.

10. 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. There are no merits in this case for grant of bail to the petitioner. Hence, this Criminal Petition is liable to be dismissed.

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

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[2] *(1990) 1 SCC 95*
[3] *(2020) 12 SCC 122*

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

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DR. Y. LAKSHMANA RAO, J

Date:17.07.2026
RSI

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