APHC010337052026

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

FRIDAY, THE 24th DAY OF JULY 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 5388/2026

Between:

1. BUTARI MADHU ALIAS MADHU BABU, S/O LATE CHANDRAYYA, AGED ABOUT 36YRS,R/O DIGASDAMPADU VILLAGE, INJARI PANCHAYATH,PEDABAYALU MANDAL, ALLURI SEETHARAMA RAJU DISTRICT.
2. THERAVADA SANYASAYYA, S/O BALAYYA, AGED ABOUT SOYEARS,R/O SUJJARI VILLAGE, INJARI PANCHAYATH,PEDABAYALU MANDAL, ALLURI SEETHARAMA RAJU DISTRICT.

...PETITIONER/ACCUSED(S)

AND

THE STATE OF ANDHRA PRADESH, Rep.By its Public Prosecutor,High Court of A.P., Amaravati,Through Station House Officer,Gangaraju Police Station.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

SRAVAN KUMAR NAIDANA

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 Petitioners/Accused Nos.2 and 3 on bail in Crime No.32 of 2025 of Gangaraju Police Station, ASR District, registered against the Petitioners/Accused Nos.2 and 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.Sravan Kumar Naidana, the learned counsel for the Petitioners, submits that the Petitioners are innocent of the alleged offence and they have been falsely implicated in the alleged offence. They are the sole breadwinners of the family. They have not committed any offence. They are law-abiding citizens. They have got fixed abode. The Petitioners undertake to abide by any conditions that this Court may impose while granting bail to the Petitioners. Hence, it is urged to allow the petition.

3. *Per contra*, Mr.A.Rohit, the learned Assistant Public Prosecutor vehemently opposed the grant of bail to the petitioners, submitting that the investigation is still underway and several material witnesses remain to be examined. It is contended that if the petitioners are released on bail at this stage, there is a strong likelihood that they 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 petitioners and the learned Assistant Public Prosecutor. Perused the record.

5. As seen from the record, the petitioners are arrayed as Accused Nos.2 and 3. The learned Trial Court enlarged Accused Nos.1 and 6 on regular bail, as they had been in judicial custody for more than 200 days. In contrast, the petitioners were arrested on 25.02.2026 and have been in judicial custody for only 149 days. The allegation against the petitioners/Accused Nos.2 and 3 is that, in conspiracy with the other accused, they indulged in the possession and transportation of a commercial quantity of ganja. The role of the petitioners came to light based on the confession made by Accused No.1. So far, only six witnesses have been examined, and several crucial witnesses are yet to be examined. The trial is still at a nascent stage.

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

[1]*(1999) 9 SCC 429*

held that drug traffickers pose a continuing threat to society and, therefore, the statutory restrictions must be strictly enforced.

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 petitioners cannot be considered at this juncture inasmuch as there are no reasonable grounds to believe that the petitioners have not indulged in the commission of the alleged offence. There are no merits in this case for grant of bail to the petitioners. Hence, this Criminal Petition is liable to be dismissed.

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

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

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

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DR. Y. LAKSHMANA RAO, J

Date: 24.07.2026
RSI

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

CRIMINAL PETITION NO: 5388 of 2026

Date: 24.07.2026
RSI