APHC010403172026

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

WEDNESDAY, THE 12th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 6626/2026

Between:

1. MOGILI MANIKANTA RAJU, S/O. RAMBABU, AGE 23 YEARS,R/O. D.NO. 3-40, RAHNALAYAM STREET,SIMHADRIPURAM VTC, KIRLAMPUDI MANDAL,EAST GODAVARI DISTRICT,ANDHRA PRADESH - 533431

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, THROUGH STATION HOUSE OFFICER,PITHAPURAM RURAL P.S, EAST GODAVARI DISTRICT,REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF A.P

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. DUGGIRALA SUBASH

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.28 of 2026 of

Pithapuram Rural Police Station, Kakinada District, registered against the Petitioner/Accused No.1 herein for the offences punishable under Section 106 of 'the BNSS.,' and Section 8(c) read with 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. Mr. Duggirala Subash, 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 law-abiding citizen. He has got fixed abode. The learned Counsel for the Petitioner further submits that the alleged contraband was found in an open plantation. The Petitioner was not found at the scene of the offence. Nothing was seized from the possession of the Petitioner. His role came to light based on the confessions of Accused Nos.2 and 3. The Petitioner surrendered himself on 01.05.2026. He has been in judicial custody for the past 104 days. 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.A. Sai Rohit, learned Assistant Public Prosecutor, opposed the grant of bail to the Petitioner and submits that the investigation is not yet 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, there are eyewitnesses to the alleged offence. L.W.9 stated that the Petitioner was found along with the seized contraband. The role of the Petitioner came to light based on the confessions of Accused Nos.2 and 3. So far, only nine witnesses have been examined. It is alleged by the prosecution that the Petitioner was involved in dealing with 92 Kgs. of ganja, which is a commercial quantity. There are three similar adverse antecedents reported against the Petitioner vide Crime No.226 of 2024 of Pithapuram Police Station, Crime No.171 of 2024 of Prathipadu Police Station, and Crime No.54 of 2023 of Samarlapadu Police Station.

6. The Petitioner has been in judicial custody for the past 104 days pursuant to his surrender on 01.05.2026 before the authorities concerned. This Court, by order dated 18.06.2026 in Crl.P.No.4463 of 2026, dismissed the bail application filed by Accused No.2. Similarly, by order dated 22.06.2026 in Crl.P.No.4528 of 2026, this Court dismissed the bail application filed by Accused No.3.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 is not found convincing and reasonable, therefore, cannot be considered at this juncture inasmuch as the investigation is still at crucial stage. This Court is also of the view that there

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

are no reasonable grounds to believe that the Petitioner is not guilty of the alleged offence or that he is unlikely to commit any offence while on bail. Hence, this Criminal Petition is liable to be dismissed.

12. 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:12.08.2026
KMS

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 6626 of 2026

Date: 12.08.2026
KMS