APHC010503762026

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

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8488/2026

Between:

1. YEDDALAPUDI HARSHAVARDHAN, S/O. BHASKAR RAO, AGED ABOUT 27 YEARS,R/O.26-12-203, RAJULA COMPLEX, FLAT NO.403SULOCHANA RESIDENCY, BV NAGAR,NELLORE CITY, SPSR NELLORE DISTRICT

...PETITIONER/ACCUSED No.1

AND

1. THE STATION HOUSE OFFICER, Vedayapalem Police Station,Rep. by its Public Prosecutor,High Court of Andhra Pradesh Amaravathi

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. C SUBODH

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:
ORDER:

The Criminal Petition has been filed under Sections 480 & 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the Petitioner/Accused No.1 on bail in F.I.R.No.165 of 2026 of

Vedayapalem Urban Police Station, Sri Potti Sriramulu Nellore District, registered for the alleged 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').

2. Mr. C. Subodh, learned Counsel for the Petitioner, submits that the Petitioner is innocent of the alleged offence and has been falsely implicated by the police. It is further submitted that the Petitioner is a student and that his brother is a Doctor, while his father is a Civil Engineer. It is also submitted that there are no similar adverse criminal antecedents reported against the Petitioner. It is further submitted that the Petitioner was apprehended by the police on 22.06.2026, as evidenced by the CCTV footage, and that a false case was foisted against him on 27.06.2026. The Petitioner undertakes to strictly adhere to any conditions that may be imposed by this Court. Hence, it is urged to allow the Petition.

3. *Per contra*, Mr. A. Sai Rohith, 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 of his absconding, thereby hampering the ongoing investigation and evading the process of law. It is further submitted

that the Petitioner is indulged in dealing with commercial quantity of contraband. Hence, it is urged to dismiss the 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 is arraigned as Accused No.1 in this case. Of course, there are no similar criminal antecedents reported against the Petitioner. The Petitioner is a student aged about 27 years. The learned Counsel for the Petitioner submits that his brother is a Doctor and his father is a Civil Engineer. It is alleged that the Petitioner was apprehended by the police on 22.06.2026 and was subsequently falsely implicated in the present case on 27.06.2026. It is further alleged that the CCTV footage supports the contention of the Petitioner regarding his apprehension on 22.06.2026.

6. Be that as it may, the Petitioner has not filed any Habeas Corpus Petition before this Court challenging his alleged apprehension. He has also not brought the said issue to the notice of the concerned jurisdictional Magistrate by filing any separate petition. Even otherwise, the said circumstance, by itself, cannot be a ground for enlarging the Petitioner on bail, particularly when the allegation against him relates to dealing with commercial quantity of MDMA weighing 12 grams and ganja weighing 120 grams. So far,

only two witnesses have been examined and not even material portion of the investigation is completed.

7. In this connection, it is relevant to refer the following decisions of the Hon'ble Apex Court. 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.

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 quanon* for grant of bail.

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

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** *supra,* the request of the Petitioner cannot be considered at this juncture, having regard to the commercial quantity of contraband allegedly involved and the fact that the investigation is at a progressive stage. There are no reasonable grounds to believe that the Petitioner has not committed any offence or that he would refrain from committing offences in future if he is enlarged on bail. There are no merits in the case for grant of bail. Hence, the Criminal Petition is liable to be dismissed.

11. 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: 07.10.2026
PRA

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8488 of 2026

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PRA