APHC010510102026

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

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8587/2026

Between:

1. NAGESH HANTAL ALIAS VANTHALA NAGESH, S/O SANA AGE 25 YEARS, R/O DAGUDUPALLI VILLAGE, DHULIPUT PANCHAYAT,CHITRAKODA BLOCK, MALKANAGIRI DISTRICT ODISHA STATE 764052

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, THROUGH STATION HOUSE OFFICER, A.ANNAVARAM POLICE STATION, VISAKHAPATNAMREP. BY PUBLIC PROSECUTOR, HIGH COURT AT AMARAVATI.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. RAMINENI SUDHEER

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.2 on bail in Cr.No.4 of 2026 of Annavaram

Police Station, Alluri Sitharamam Raju District, registered 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. Ramineni Sudheer, 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 the sole earning member of the family and, therefore, his incarceration would cause undue hardship to his dependents. He is a law-abiding citizen. The learned Counsel for the Petitioner further submits that Accused Nos.4 to 6 were enlarged on bail in the same crime and that the Petitioner is entitled to the same relief on the ground of parity. There are no similar adverse antecedents reported against the Petitioner. The Petitioner undertakes to strictly adhere to any conditions that may be imposed by this Court while enlarging him on bail. Hence, it is urged to allow the Criminal Petition.

3. *Per contra*, Mr.A.Sai Rohith, learned Assistant Public Prosecutor, vehemently opposes the grant of bail to the Petitioner and submits that the accusations against the Petitioner are well-founded. It is further submitted that the Charge Sheet has already been filed within the statutory period of 180 days and that the Petitioner was indulged in dealing with 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. The learned Counsel for the Petitioner submits that Accused Nos.4 to 6 were enlarged on bail in the same crime and that the Petitioner is entitled to the same relief on the ground of parity. Of course, vide order dated 15.10.2026, Accused Nos.4 to 6 were enlarged on bail with stringent conditions, on the ground that their role was based on the confession statements of the other accused and that no other material was available against them. However, in the instant case, Petitioner No.2 was arrested on the spot. The accusations against the Petitioner are well founded, as seen from the averments in the charge sheet, which was filed on 18.06.2026, well within the period of 180 days. The seized contraband is of commercial quantity, weighing 308 Kgs.

6. 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.

7. 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.

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[1] (1999) 9 SCC 429
[2] (1990) 1 SCC 95

8. 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.

9. 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 Petitioners cannot be considered at this juncture, inasmuch as the accusation against the Petitioner are well-founded. There are no reasonable grounds to believe that the Petitioner has not committed any offence or that they would refrain from committing offences in future if he is enlarged on bail. There are no merits in the case for grant of bail to the Petitioner. Hence, the Criminal Petition is liable to be dismissed.

10. 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: 04.11.2026
KMS

[3] (2020) 12 SCC 122

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