APHC010512862026

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

MONDAY, THE 5th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8634/2026

Between:

1. GODUGUCHINTA VINOD KUMAR, S/O G.MARKANDAIAH,AGED ABOUT 33 YEARS,R/O. D.NO.31, 5TH B MAIN ROAD,PUNYABHOOMI LAYOUT, KALKERE AREA,NEAR RAMAMURTHY NAGAR, BANGALURU.

...PETITIONER/ACCUSED No.4

AND

1. THE STATE OF ANDHRA PRADESH, Represented by its P.P.,High Court of Andhra Pradesh at Amaravati, throughThe Inspector of Police, Renigunta UPS,Chittoor District

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. GADHIRAJU BHANU SAI PRASAD VARMA

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition has been filed under Sections of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the Petitioner/Accused No.4 on bail in Crime No.126 of 2026 of Renigunta Urban Police Station, Tirupathi District, registered for the offences punishable under Sections 8(c) read with 22(c) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. Mr. Gadhiraju Bhanu Sai Prasad Varma, the learned counsel for the Petitioner submits that the Petitioner is innocent of the alleged offence. The Petitioner has been falsely implicated in this case. He has not committed any offence. He is a law abiding citizen. He has got fixed abode. It is further submitted that the Petitioner was arraigned as accused based on the confession of the other accused. The MDMA was not seized from the possession of the Petitioner. 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 Rohith, the 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. The Petitioner was indulged in dealing with commercial quantity of MDMA. It is contended that if the Petitioner 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. 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, the Petitioner is arraigned as Accused No.4 in this case. The allegation against the Petitioner by the prosecution is that he was involved in dealing with 62 grams of MDMA (Methamphetamine), which is a commercial quantity, as the commercial quantity is above 10 grams. So far, only four witnesses have been examined. The role of the Petitioner came to light based on the confession of Accused Nos.1 and 2. The Petitioner was arrested in Bangalore. No similar adverse antecedents have been reported against the Petitioner. One of the accused, Accused No.5, is a citizen of Nigeria. The Petitioner was arrested on 07.08.2026 and has been in judicial custody for the past 59 days. The material portion of the investigation is not yet completed. The RAL report is pending.

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.

[1] (1999) 9 SCC 429

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.

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 Petitioner/Accused No.4 cannot be considered at this juncture, inasmuch as the investigation is at 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 enlarged on bail. This Court finds no merits in the case for grant of bail to the Petitioner. Hence, the Criminal Petition liable to be dismissed.

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

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: 05.10.2026
PRA

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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PRA