APHC010517462026

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

FRIDAY, THE 20th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8686/2026

Between:

1. GOWTHAM SELLAM ALIAS GOWTHAM S ALIAS GOWTHAM ALIAS RAJU, S/O SELLAM, AGED ABOUT 34 YEARS.PERI MALIKALLAR, NETHAJI STREET, CUMBUM V,UTHAMAPALAYAM, KAMBAM M, THENI DISTRICT,TAMILNADU STATE- 625516.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.THROUGH,STATION HOUSE OFFICER,CHEBROLU POLICE STATION,CHEBROLU, WEST GODAVARI DISTRICT.-534406

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. M/S.ASTONISH LAWS

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:
ORDER:

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 Cr.No.222 of 2022 of Chebrolu

Police Station, Eluru 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. Chandra Sekhar Ilapakurti, learned Counsel for the Petitioner submits that the Petitioner is innocent of the alleged offence. He 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 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 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 are yet to be examined. It is further submitted that the Petitioner was involved in dealing with a commercial quantity of ganja. If the Petitioner is released on bail at this stage, there is every likelihood of his absconding, thereby hampering the ongoing investigation and evading the process of law. Hence, it is urged this Court to dismiss the Criminal Petition.

4. Heard the learned counsel for the Petitioner and the learned Assistant Public Prosecutor. Perused the record.

5. As seen from the record, the Petitioner is arraigned as Accused No.1 in this case. He is involved in two similar cases; *vide* Crime Nos.889 of 2020 and 113 of 2023. However, the Petitioner has not furnished the details of

the said adverse antecedents in the petition. In this regard, it is apposite to refer to the judgment of the Hon'ble Apex Court in **Zeba Khan v. State of U.P.,**[1] wherein, at Paragraph Nos. 47 and 48, it was observed that bail applications are often considered on the basis of *prima facie* material placed before the Court at different stages of the proceedings. The Hon'ble Supreme Court held that non-disclosure of material facts, such as criminal antecedents, prior bail rejections, custody period, and the stage of trial, may result in an erroneous grant or refusal of bail. It was further held that every bail applicant is under an obligation to disclose all material particulars, including criminal antecedents and any coercive processes pending against him, duly supported by an affidavit. Such disclosure is necessary to ensure transparency, uniformity, and integrity in bail adjudication.

6. The revised Standing Order No.282(1) of this Court states that in every application for bail presented to the High Court, the Petitioner should state whether similar application has or has not been made to the Supreme Court, and if made shall state the result thereof. The petitioner/applicant shall also mention whether he/she is/was involved in any other criminal case or not. If yes, particulars and decisions thereof. An application which does not contain this information shall be placed before the bench with the necessary information.

7. The role of the Petitioner came to light based on the confession statements of Accused Nos.1 to 5. Accused Nos.2 and 6 were enlarged on bail by the learned Trial Courts *vide* Crl.M.P. No.607 of 2026, by the learned

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[1] 2026 SCC Online 188

Special Sessions Judge for Trial of Cases under the Narcotic Drugs and Psychotropic Substances Act, 1985-cum-I Additional Sessions Judge, East Godavari District, Rajamahendravaram, and Crl.M.P. No.768 of 2025, by the learned Special Judge under the Narcotic Drugs and Psychotropic Substances Act-cum-I Additional District and Sessions Judge, West Godavari, Eluru, respectively. So far, eight witnesses have been examined. The Petitioner was arrested upon execution of a P.T. warrant on 06.07.2026 and has been in judicial custody for the past 137 days. It is alleged that the Petitioner was involved in financing the transportation of 305.200 Kgs. of ganja by engaging the other accused. Two lorries were found at the spot, and it was revealed that the Petitioner is the owner of both the lorries.

8. In this connection, it is relevant to refer the following decisions of the Hon'ble Apex Court. In **Union of India v. Ram Samujh**[2], 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)**[3], 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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[2] (1999) 9 SCC 429
[3] (1990) 1 SCC 95

10. The Hon'ble Apex Court in **State of Kerala v. Rajesh**[4], 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.

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** *supra,* the request of the Petitioner/Accused No.2 cannot be considered at this juncture. 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.

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: 20.11.2026
KMS

[4] (2020) 12 SCC 122

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