APHC010521192026

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

THURSDAY, THE 8th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8759/2026

Between:

1. VARUN KUMAR MANI ALIAS VARUN, S/O MANI KANIA, AGE 23 YEARS, CASTE BYBHOVI, BIDARE POST, JAYANTI VILLAGE, SHIMOGA TALUKA,AND DISTRICT,KARNATAKA STATE, PIN 5777222, CELL 7848974916, 8197760361, AADHAR 8091 5294 1811
2. NISHA BAIRAPURA HAREESH, D/O HAREESH, W/O VARUN KUMAR MANI, AGE19 YEARS, CASTE BY CHALAWADI, BAIRAPURA VILLAGE, DOMAN POST,CHIKMANGULUR DISTRICT, KARNATAKA STATE, CELL 8197760361, AADHAR8978 6842 6092.
3. PRADEEP SURESH, S/O SURESH, AGE 22 YEARS, DEVANGULA BY CASTE, N/O 3-,GOVERNMENT HIGH SCHOOL, DAIIY ROAD, BIDARE MANDAL, SHIVAMOGGA CROSS, DISTRICT, GRAMANTHARA PS, R/O JEDDIKATTE, 4 AREA, INDUSTRIAL AREA,BHADRAVATHI TALTIKA, SHIVAMOGGA DISTRICT,
4. ABHILAS RAVI RAO, S/O RAVIRAO, AGE 21 YEARS, CASTE BY MADRA MARATA,NEAR SHIVA TEMPLE, MARATA ROAD, BILAKI VILLAGE, GRAMANTHARA POLICE STATION BHADRAVATHI TALUKA, SHIVAMOGGA DISTRICT, KARNATAKA STATE, CEU8150976383, 8496901797, AADHAR 7020 9182 74904

...PETITIONER/ACCUSED Nos.1 to 4

AND

1. THE STATE OF ANDHRA PRADESH, Rep by its Public Prosecutor,High Court of Andhra Pradesh at Amaravati.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1. KOLLI USHA KIRANMAYEE

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 Petitioners/Accused Nos.1 to 4 on bail in Cr.No.71 of 2026 of Vizianagaram I Town Police Station, Vizianagaram District, registered for the 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. Mrs. Kolli Usha Kiranmayee, learned counsel for the Petitioners, submits that the Petitioners are innocent of the alleged offences and have been falsely implicated in the case by the police. It is further submitted that the Petitioners are the sole earning members of their respective families and that their incarceration would cause undue hardship to their dependents. They are law-abiding citizens. The Petitioners undertake to abide with any conditions that may be imposed by this Court. Hence, it is urged to allow the Criminal Petition.

3. *Per contra*, Mr. A.Sai Rohith, learned Assistant Public Prosecutor, submits that the Petitioners were involved in the possession of commercial quantity of ganja. It is further submitted that although the Charge Sheet has

already been filed, the allegations against the Petitioners are well-founded and supported by the material available on record. Hence, it is urged to dismiss the Criminal Petition.

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

5. On a perusal of the record, the Petitioners are arraigned as Accused Nos.1 to 4 in this case. The Petitioners were arrested at the spot on 13.04.2026. They have been in judicial custody for the last 179 days. The Petitioner No.1 was found in possession of 16.415 kgs of ganja, Petitioner No.2 was found in possession of 9.600 kgs of ganja, Petitioner No.3 was found in possession of 16.670 kgs of ganja, and Petitioner No.4 was found in possession of 7.065 kgs of ganja. Thus, the quantity of ganja allegedly recovered from all four Petitioners is 49.750 kg, which is a commercial quantity. After completion of the investigation, the Charge Sheet was filed on 11.08.2026. The accusations against the Petitioners are *prima facie* well-founded.

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

[1] (1999) 9 SCC 429

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.

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 Petitioners are well-founded. There are no reasonable grounds to believe that the Petitioners have not committed any offence or that they would refrain from committing offences in future if they are enlarged on bail. There are no merits in the case for grant of bail to the Petitioners. Hence, the Criminal Petition is 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: 08.10.2026
PRA

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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PRA