APHC010546612026

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

THURSDAY, THE 29th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9144/2026

Between:

1. KILO GOPAL, S/O.SAI BABU, AGE 27 YEARS,METTAGUDEM VILLAGE, BODDAGANDI VILLAGE,Y.RAMAVARAM MANDAL, POLAVARAM DISTRICT

...PETITIONER/ACCUSED No.5

AND

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

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. KADIYAM NEELAKANTESWARA RAO

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.5 on bail in Cr.No.24 of 2022 of Maredumilli

Police Station, East Godavari 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. Kadiyam Neelakanteswara Rao, 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. 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. As seen from the record, the Petitioner is arraigned as Accused No.5 in this case. The Petitioner was arrested on 23.04.2026 and has been in judicial custody for the past 189 days. The Petitioner is a permanent resident of Boddagandi Village, Y.Ramavaram Mandal, Polavaram. He has got fixed abode. The Chargesheet was filed on 14.06.2026, within the stipulated period of 180 days. The Petitioner is alleged to have been involved in dealing with 30 kgs of ganja, which is a commercial quantity.

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.

[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 Petitioner cannot be considered at this juncture, inasmuch as the accusations against the Petitioner are well-founded. 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.

10. 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: 29.10.2026
PRA

[3] (2020) 12 SCC 122

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