APHC010550312026

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: 9190/2026

Between:

1. ABDUL HASSAN, S/O. ABDUL GAFOOR, AGED 44 YEARS, R/O. 40-2-451,SANTHINAGAR, KAILASAPURAM ROAD, VISAKHAPATNAM, ANDHRA PRADESH 530024.

...PETITIONER/ACCUSED No.5

AND

1. THE UNION OF INDIA, Rep. by its Special Public Prosecutor, Through Senior Intelligence Officer, Directorate of Revenue Intelligence,Regional Unit, Vijayawada, D. No. 10-56, 5t Floor, Above Canara Bank, Bundar Road, Ashok Nagar, Vijayawada-520 007.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. V SAI KUMAR

Counsel for the Respondent/complainant:

1. SANTHI CHANDRA(Sr.STANDING COUNSEL FOR DRI AND DGGI)

The Court made the following:

ORDER:

Criminal Petition has been filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the Petitioner/Accused No.5on bail in F.No.DRI/HZU/VJRU/48/ENQ/-21(INT-15) on the file of Directorate of Revenue Intelligence, Vijayawada, registered for the alleged offences punishable under Sections 20, 27A, 28 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'the NDPS Act').

2. The case of the prosecution, in brief, is that on 10.11.2025, on receipt of credible information, the officials of the Directorate of Revenue Intelligence conducted a search at the premises in question and a vehicle bearing Registration No.UP 91 AT 2451. During the search, they allegedly recovered and seized 248.82 Kgs of ganja packed in HDPE bags and polythene packets. The prosecution alleges that Accused Nos.1 to 5 were involved in the illicit possession, storage, transportation and trafficking of the seized contraband. The Petitioner is arraigned as Accused No.5 and is alleged to have assisted Accused No.1 in managing the godown, loading and unloading the contraband, and facilitating the transportation of ganja. The Petitioner was arrested on 11.11.2025 and remanded to judicial custody.

3. Mr. V. Sai Kumar, the learned Counsel for the Petitioner, submits that the Petitioner/Accused No.5 is innocent and has been falsely implicated in the case, and that his role is limited to that of a driver engaged by Accused No.1 for transportation of ganja, without any specific allegation of involvement in the

conspiracy, purchase, sale or financing of the contraband. The investigation is completed and the Charge Sheet has been filed, and that the Petitioner has no criminal antecedents. He has got fixed abode.

4. It is further submitted that the Petitioner's son is suffering from serious medical ailments and requires constant medical care, while the Petitioner is the sole breadwinner and caretaker of his family. He further submits that the Petitioner's wife lodged a missing complaint before Pendurthi Police Station on 15.11.2025, which was registered as FIR No.514 of 2025. The Petitioner has been in judicial custody since 11.11.2025, for more than ten months, and the trial has not yet commenced. The Petitioner undertakes to abide by any conditions that may be imposed by this Court while enlarging him on bail. Hence, it is urged to allow the Criminal Petition.

5. *Per contra,* Ms.Santhi Chandra*,* the learned Senior Standing Counsel for DRI and DGGI, opposed the bail petition and filed a detailed counter, contending thatthough the Charge Sheet has already been filed, the accusations against the Petitioner are well-founded.

6. It is further contended by thelearned Senior Standing Counsel for DRI and DGGI, that the Petitioner was actively involved in the transportation of 248.82 kgs of ganja, a commercial quantity, as part of an organised interstate trafficking network. It is submitted that the panchanama, seizure proceedings, FASTag records, UPI transactions and statements of the co-accused establish a strong *prima facie* case against the Petitioner and demonstrate his conscious involvement in the offence.It is further contended that the rigours of

Section 37 of ‘the NDPS Act’ are attracted and that there are no reasonable grounds to believe that the Petitioner is not guilty of the alleged offence. Hence, it is urged to dismiss the Criminal Petition.

7. Heard the learned counsel for the Petitioner and the learned Senior Standing Counsel for DRI and DGGI. Perused the record.

8. Thoughtful consideration has been bestowed on the arguments advanced by the learned Counsel for both sides. I have perused the entire record.

9. Now, the point for consideration is:

“Whether the Petitioner/Accused No.5is entitled to grant of bail?”

10. As seen from the record, the Petitioner/Accused No.5 is alleged to have acted as a driver for Accused No.1 in the transportation of the contraband. The Petitioner was arrested on 11.11.2025 and has been in judicial custody for about350 days. The Accused Nos.1 to 5 were allegedly involved in the transportation and storage of 248.82 kgs of ganja, which is a commercial quantity. The material collected during the investigation, including the statements of the accused, FASTag records and other corroborative evidence, *prima facie* indicates the involvement of the Petitioner in the commission of the offence. After thorough investigation, the Charge Sheet has been filed. The accusations levelled against the Petitioner are well founded. Having regard to the bar contained under Section 37 of ‘the NDPS Act’, the stage of the investigation, the commercial quantity of contraband involved and the role

attributed against the Petitioner, this Court is not inclined to grant bail to the petitioner at this stage.

11.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 Courtat Paragraph No.7 held as under*:*

> *"In murder cases the harm is limited to one or two individuals, whereas narcotics offences destroy numerous vulnerable lives and have a deadly impact on society; offenders involved in drug trafficking pose a continuous hazard and are likely to persist in their illicit activities if released, and therefore strict adherence to the legislative mandate is essential."*

12. In**Durand Didier v. State (UT of Goa)**[2]the Hon'ble Apex Court at Paragraph No.24 held as under:

> *"The organised underworld activities and clandestine trafficking of narcotic drugs have caused widespread addiction, especially among adolescents and students, turning the menace into a serious and alarming social problem. To combat this devastating threat with its deadly impact on society, Parliament recognised the need for strong measures. Consequently, it enacted Act 81 of 1985, introducing strict provisions with mandatory minimum imprisonment and fines."*

13. The Hon'ble Apex Court in**State of Kerala v. Rajesh**[3]at Paragraph Nos.8, 19, 20 and 21 held as under:

> *8. To curb the spread of dangerous drugs, Parliament has mandated that an accused under the NDPS Act cannot be granted bail unless there are reasonable grounds to believe he is not guilty and will not commit offences while on bail. The High Court failed to justify ignoring these mandatory conditions when releasing the accused. Instead of considering the grave socio-economic and health consequences of illegal drug trafficking, the court ought to have enforced the law in the spirit intended by Parliament.*
> *19. Section 37 imposes additional, overriding restrictions on the grant of bail, beyond those under Section 439 CrPC, through its non obstante clause. It prohibits bail unless two mandatory conditions are met: the prosecution is given an opportunity to oppose, and the court is satisfied that there are reasonable grounds to believe the accused is not guilty. If either condition is not fulfilled, the bar against granting bail applies.*
> *20.The term "reasonable grounds" requires more than mere prima facie satisfaction; it demands substantial, probable causes showing the accused is not guilty. Such belief must arise from facts and circumstances sufficient to justify that conclusion. In the present case, the High Court overlooked the strict object of Section 37, and its liberal approach to bail under the NDPS Act was unwarranted.*

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[1]*(1999) 9 SCC 429*
[2]*(1990) 1 SCC 95*
[3]*(2020) 12 SCC 122*

21.The learned Single Judge failed to record the mandatory finding required under Section 37 of the NDPS Act, which is a sine qua non for granting bail in such cases.

14. 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 there are no reasonable grounds to believe that the Petitioner has not indulged in the commission of the alleged offence or that he would refrain from committing offences in future if he is released on bail. There are no merits in this case for grant of bail to the Petitioner. Hence, this Criminal Petition is liable to be dismissed.

15. 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

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9190 of 2026

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