APHC010550512026

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

FRIDAY, THE 30th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9196/2026

Between:

1. MANYAM YESURAJU ALIAS YESU, S/O SATYANARAYANA, AGED ABOUT 2 YEARS,C/O GOWDA, D.NO. 2-33, BC COLANY,R/O VEDURUPAKA VILLAGE,GOKAVARAM MANDALAM,EAST GODAVARI DISTRICT.

...PETITIONER/ACCUSED

AND

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

...RESPONDENT/COMPLAINANT

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court grant anticipatory bail to the petitioner, directing the arresting officer to release him on bail in the event of his arrest in connection with FIR NO. 224 of 2026 of Proh. & Excise Station, Korukonda,

Counsel for the Petitioner/accused:

1. B PARAMESEWARA RAO

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:
ORDER:

The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the Petitioner/Accused No.2 for granting of pre-arrest bail in connection with Crime No.224 of 2025 of Annavaram Police Station, Alluri Sitharama Raju District, registered for the alleged offences punishable under Sections 20(b)(ii)(C), 25 read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. The petition has been filed seeking pre-arrest bail in Crime No.17 of 2025 on the file of Annavaram Police Station. As there was no representation on behalf of the Petitioner for quite some time, Mr.N.Pavan Kumar was appointed as legal aid counsel for the Petitioner.

3. Heard the learned legal aid counsel for the Petitioner and the learned Assistant Public Prosecutor. Perused the record.

4. Mr.N Pavan Kumar, learned legal aid counsel for the Petitioner submits that the Petitioner is innocent of the alleged offence. He has been falsely implicated in this case. He has not committed any offence. He is a law-abiding citizen. He has got fixed abode. 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.

5. *Per contra,* Mr.A.Sai Rohith, learned Assistant Public Prosecutor, opposed the grant of bail to the Petitioner and submits that the investigation is

not yet completed, and some more material witnesses are yet to be examined. It is also submitted that the Petitioner indulged in the possession and transportation of a commercial quantity of Ganja. Hence, it is urged to dismiss the Criminal Petition.

6. On perusal of the record, the Petitioner is arraigned as Accused No.1 in this case. The allegation against him is that he indulged in dealing with 137.080 kgs of ganja. The role of the Petitioner came to light based on the confession of Accused Nos.4 and 5. The investigation is still at a progressive stage, and the accusations against the Petitioner appear well-founded.

7. The Hon'ble Apex Court in **Satpal Singh v. State of Punjab**[1], at paragraph Nos.14 & 15, held as under:

> *14. Be that as it may, the order dated 21-9-2017 [Beant Singh v. State of Punjab, 2017 SCC OnLine P&H 3801] passed by the High Court does not show that there is any reference to Section 37 of the NDPS Act. The quantity is reportedly commercial. In the facts and circumstances of the case, the High Court could not have and should not have passed the order under Section 438 or 439 CrPC without reference to Section 37 of the NDPS Act and without entering a finding on the required level of satisfaction in case the Court was otherwise inclined to grant the bail. Such a satisfaction having not being entered, the order dated 21-9-2017 [Beant Singh v. State of Punjab, 2017 SCC OnLine P&H 3801] is only to be set aside and we do so.*
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> *15. Consequently, the order dated 31-10-2017 passed by the Sessions Court is also set aside. All the three accused in both these appeals are directed to surrender before the trial court. However, we make it clear that they are free to apply for regular bail, in which case, the Sessions Court will consider the matter on the merits of the application. Before parting with the judgment, we also painfully note that even in the inquiry conducted pursuant to the orders passed by this Court, there was no reference to the regular bail granted to Beant Singh and Gurwinder Singh and that too, on production of an interim order passed by the High Court. Had the same been noticed, the State would have certainly taken steps much earlier. This is once again to remind the police and the prosecutor that they need to show due diligence and vigilance while dealing with the cases under the NDPS Act."*

[1](2018) 13 SCC 813

8. The High Court of Rajasthan in **Prabhulal & Anr. v. State of Rajasthan**[2], at paragraph No.6 held as under:

> *"6. On the other hand, Mr. V.S. Gujar and Mr. Suresh Pareek have vehemently contended that in view of stringent provisions of Section 37 (1) of the N.D.P.S. Act, petitioners are not entitled to get bail even under Section 439, Cr. P.C. and there is hardly any ground to grant them anticipatory bail in such cases. Learned counsel further contended that petitioners are avoiding their arrest and there is sufficient material to establish their involvement in the crime. It was also contended that the bail application under Section 439, Cr. P.C. of co-accused Ram Kumar to whom the contraband articles were to be delivered, as well as the application of co-accused Bharat Singh were rejected by this Court on 15.12.94 and 15.7.94, respectively.In 1994 (3) W.L.C. ([Raj.) 622, while considering the scope of anticipatory bail in a case registered under the N.D.P.S. Act, it was observed by me, as under:-*
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> *"The object and reason behind passing the amendments was to make stringent provisions of bail as it was thought that such powers should not be used to defeat the object of the Act and a technical plea should not be a ground for under -serving liberty under the Act. The non-obstante clause in Section 37 (1) of the /Act makes is clear that the accused of an offence under the Act is to be severally dealt with and that he should not be allowed to be released on bail unless the conditions contained in Section 37 are satisfied. Though the Act specifically does not prohibit the grant of anticipatory bail under Section 438, Cr. P.C., but the legislative intent can be gathered from Section 37 of the Act which restricts the bail even after the arrest of the offender.*
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> *The Narcotic Drug and Psychotropic Substances Act, 1985 is a special enactment and was enacted with a view to making stringent provisions for the control and regulation of operation relating to narcotic drugs and psychotropic substances. The under lying object of the Act and the stringent provisions of bail introduced by Act No. 2 of 1989 make it clear that anticipatory bail should not be granted in such cases unless the Court is satisfied that the investigating agency was abusing the provisions of the Act with malafide object to arrest any person. In such cases, the law should be allowed to have its own course."*
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> *Section 25 of the Act provides punishment to the owner or occupier or having the control or use of any house, room, enclosure, space, place, animal or conveyance to be used for the commission by any other person of an offence punishable under any provision of this Act."*

9. Further the Hon'ble Apex Court in **Anarul SK v. State of West Bengal**[3] at para No.4 observed that the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue and directed the State to consider as to whether it proposes to file an application for the cancellation of bail granted to the other accused.

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[2] 1995 Supreme(Raj) 935

[3] Crl.A.No.12621 of 2024 dated 19.09.2024

10. Therefore, request for grant of pre-arrest bail to the Petitioner/Accused No.1 does not appear to be convincing or reasonable inasmuch as investigation is at a progressive stage. There are no merits in the petition. Hence, the Criminal Petition is devoid of merit and is liable to be dismissed.

11. 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:16.09.2026
PRA/VMM

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 6658 of 2026

Date: 16.09.2026
PRA/VMM