APHC010559232026

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: 9324/2026

Between:

1. MANJUNATHA ERAPPA, S/O ERAPPA, AGED 32 YEARS,R/O 118 CHANGAVADI VILLAGE,MANAGAHALLI POST, CHAMRAJANAGAR DISTRICT,KARNATAKA STATE
2. KARTHIK HANOR RAJAPPA, S/O RAJAPPA, AGED 19 YEARS,RIO 118 CHANGAVADI VILLAGE,MANAGAHALLI POST, CHAMRAJANAGAR DISTRICT,KARNATAKA STATE

...PETITIONER/ACCUSED Nos.1 & 2

AND

1. THE STATE STATION HOUSE OFFICER, Martur Police Station Thorough its Public Prosecutor,High Court of A.P., Amaravati

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1. VENKATA DURGA RAO ANANTHA

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 & 2 on bail in Cr.No.13 of 2026 of

Martur Police Station, Bapatla District, registered for the offences punishable under Sections 20(b)(ii)(C) read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. Mr. Venkata Durga Rao Anantha, learned counsel for the Petitioners, submits that the Petitioners are poor and, owing to their financial distress, have been falsely implicated in this case. Accused No.1 is a halt driver, whereas Accused No.2 is the brother-in-law of Accused No.1. It is further submitted that no similar adverse antecedents have been reported against the Petitioners. The vehicle allegedly used for transportation of ganja has also been seized by the police. The Petitioners undertake 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.

3. *Per contra,* Mr. A. Sai Rohith, learned Assistant Public Prosecutor, vehemently opposes the grant of bail to the Petitioners and submits that the accusations levelled against them 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 Petitioners were involved in the transportation of commercial quantity of ganja. 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 and 2 in this case. Accused No.1 allegedly acted as a halt driver,

whereas Accused No.2 is his brother-in-law. A Bolero vehicle bearing registration No.KA 54 9100, in which 198 kgs of ganja, packed in 99 packets, each weighing 2 kgs., was being transported, was seized. Upon completion of the investigation, the Charge Sheet has been filed and the case has been numbered as NSC No.4321 of 2026. The Petitioners were arrested on 30.01.2026 and have been in judicial custody for the past 273 days. Accused No.3 is alleged to be the kingpin in the present case. 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 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 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.

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: 30.10.2026
PRA

[3] (2020) 12 SCC 122

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