APHC010561032026

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

FRIDAY, THE 6th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9362/2026

Between:

MODHUGU NARESH, S/O. SATYANARAYANA AGED ABOUT 27 YEARS, RIO. DHARAMARAOPETA VILLAGE,SARIPALLE PANCHAYATH, KOYYALLAGUDEM MADAL, ELURU DISTRICT

...PETITIONER/ACCUSED

AND

THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATITHROUGH SHO, RAJANAGARAM UPS, EAST GODAVARI DISTRICT

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

DUNGA SATYA SAI SUBRAHMANYAM

Counsel for the Respondent/complainant:

PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The 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.2 on bail in Crime No.295 of 2026 of Rajanagaram Urban Police Station, East Godavari District, registered against the Petitioner/Accused No.2 herein 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. Mr.D.S.S.Subrahmanyam, the learned counsel for the petitioner, submits that the petitioner is innocent of the alleged offence and has been falsely implicated in the alleged offence. He is the sole earning member of the family. 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 to the petitioner. Hence, it is urged to allow the petition.

3. *Per contra*, Mr.A.Sai Rohit, learned Assistant Public Prosecutor, vehemently opposed the grant of bail to the petitioner and submitted that so far, only eight witnesses have been examined and the petitioner has not completed the statutory period. Hence, he urged that the Criminal Petition

be dismissed, as the investigation is still pending and some more crucial witnesses are yet to be examined.

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 arrayed as Accused No.2. The allegation against the petitioner is that he acted as a driver for the illegal transportation of 25.970 Kgs of ganja, which is a commercial quantity. He was arrested on the spot. Of course, no adverse antecedents are reported against the petitioner. He has been in judicial custody for the past 86 days pursuant to his arrest on 12.08.2026. So far, only eight witnesses have been examined. The investigation is still pending, and the RAL report is yet to be received.

6. Further, statutory period of judicial remand for 180 days is also not completed. In this connection, it is relevant to refer the following decisions of the Hon'ble Apex Court.

7. 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.

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[1]*(1999) 9 SCC 429*

8. 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.

9. 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 qua non for grant of bail.

10. 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,*** the request of the petitioner cannot be considered at this juncture. The petitioner is alleged to have been involved in the commission of the offence. This Court is not satisfied that there are reasonable grounds for believing that the petitioner is not guilty of the alleged offence or that he is unlikely to commit any offence while on bail. Therefore, there are no merits in the present case warranting grant of bail to the petitioner. Hence, this Criminal Petition is liable to be dismissed.

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

11. 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: 06.11.2026
RSI

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9362 of 2026

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RSI