APHC010572472026

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

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9606/2026

Between:

1. BOJJAGANI BHANU PRAKASH, S/O MUTYALA RAO, AGED 20 YEARS,R/O RAMAKRISHNA MISSION HIGH SCHOOL ROAD,TADEPALLI, GUNTUR DISTRICT.

...PETITIONER/ACCUSED No.2

AND

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

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. SHAIK AFZAL MOHAMMED

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.2 on bail in Cr.No.19 of 2026 of Moothugudem Police Station, Polavaram 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. Shaik Afzal Mohammed, learned Counsel for the Petitioner submits that the Petitioner is innocent of the alleged offence. He 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. 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 Petition.

3. *Per contra*, Mr.A.Sai Rohith, learned Assistant Public Prosecutor vehemently opposed the grant of bail to the Petitioner, submitting that the investigation is still underway and several material witnesses are yet to be examined. It is further submitted that the Petitioner was involved in dealing with a commercial quantity of ganja. If the Petitioner is released on bail at this stage, there is every likelihood of his absconding, thereby hampering the ongoing investigation and evading the process of law. Hence, it is urged this Court 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.2 in this case. The Petitioner was arrested on 08.07.2026 and has been in judicial custody for the past 119 days. It is alleged that he was found in possession of

and transporting 22 kgs of ganja, which is a commercial quantity. The Petitioner is at impressionable age of 20 years. The investigation is not yet completed. So far, only five witnesses have been examined. There are three similar adverse antecedents reported against the Petitioner *vide* Cr.No.62 of 2023 of Tadepalli Police Station, Guntur District; Cr.No.434 of 2023 of Bhavanipuram Police Station, Vijayawada City; and Cr.No.256 of 2025 of Penamaluru Police Station, Vijayawada City.

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.

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

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

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/Accused No.2 cannot be considered at this juncture. 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.

DR. Y. LAKSHMANA RAO, J

Date: 04.11.2026
PRA

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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PRA