APHC010591822026

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

THURSDAY, THE 5th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9964/2026

Between:

1. NANNAPANENI VEERENDRA, S/O. SOMASEKHARA RAOAGED ABOUT 50 YEARS, OCCUPATION BUSINESSR/O. D.NO.5A,PEDASANAGALLU VILLAGE,MOVVA MANDAL, KRISHNA DISTRICT - 521136ANDHRA PRADESH.

2. TATA SESHU BABU, S/O. BABU RAO,AGED ABOUT 48 YEARS,OCCUPATION BUSINESSR/O. D.NO. 4-3, PEDAPUDI VILLAGE,MOVVA MANDAL, KRISHNA DISTRICT - 521136ANDHRA PRADESH.

3. KANDULA ANJANEYULU, S/O. EDUKONDALU,AGED ABOUT 33 YEARS. OCCUPATION BUSINESSR/O. DO.NO. 3 - 58,MURTHYRASIPALEM, HAMLET OF PEDAPUDI,MOVVA MANDAL, KRISHNA DISTRICT - 521136.ANDHRA PRADESH.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY THE PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH, AT AMARAVATI.THOUGH THE STATION HOUSE OFFICER,PROHIBITION AND EXCISE STATION, VUYYURU,KRISHNA DISTRICT - 521165.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1. K V ADITYA CHOWDARY

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:
ORDER:

Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] by the Petitioners/Accused Nos.3 to 5, for granting of pre-arrest bail in connection with Crime No.85 of 2026 of Prohibition and Excise Station, Vuyyuru, Krishna District, registered for the alleged offences punishable under Sections 34(a) read with 34(1)(i) of the Andhra Pradesh Excise Act, 1968 and Section 7 read with 8(b)(ii) of the Andhra Pradesh Prohibition Act, 1995.

2. Heard Sri K.S. Murthy, learned Senior Counsel appearing on behalf of Sri K.V. Aditya Chowdary, learned Counsel for the Petitioners, and the learned Assistant Public Prosecutor. Perused the record.

3. Sri K.S. Murthy, learned Senior Counsel, submits that Petitioner No.1/Accused No.3 is contesting the ZPTC elections, which are scheduled to be held on 05.11.2026. He further submits that, as the Petitioner is allegedly involved in Crime No.85 of 2026 on the file of the Prohibition and Excise Police Station, Vuyyuru, there is an apprehension of his arrest.

4. The Petitioners without approaching the learned Session Judge at the first instance seeking pre-arrest bail and have directly approached this Court, which procedure is contrary to the law laid down by the Hon'ble Apex Court in

[1] the BNSS

Mohammed Rasal.C v. State of Kerala[2] and ***Jagdeo Prasad v. State of Bihar and others***[3]***.***

5. Without going into the merits of the matter, it is brought to the notice of this Court by the learned Assistant Public Prosecutor that this case has been filed under Section 482 of 'the BNSS', seeking for grant of pre-arrest bail without approaching the learned Sessions Judge concerned at first instance. The Hon'ble Apex Court in ***Mohammed Rasal. C*** *supra* wherein at paragraph Nos.7, 8 and 9 it was held as follows:-

> *"7. The Sessions Judge exercises powers under Section 438 Cr.P.C in relation to all cases registered with the police stations in the particular District. This area-wise distribution of work would make it much more convenient and facilitate expeditious disposal, if the application for pre-arrest bail is first filed before the Sessions Court which would have a direct and first-hand assistance of the concerned Public Prosecutor appointed for that particular District. The Sessions Court would also have an immediate access to the Case Diary thereby facilitating a better appreciation of facts of the case.*
>
> *8. We further feel that if the practice of entertaining the applications for pre-arrest bail directly in the High Court is encouraged, and the parties concerned are not relegated to first approach the Sessions Court concerned, the High Court would be flooded with a spate of pre-arrest bail applications thereby creating a chaotic situation. We say so, because if the parties are required to approach the Sessions Court concerned for seeking remedy of pre-arrest bail, there is a strong probability that significant number of applications would be allowed at that level only thereby acting as a filtration process before the process reaches the High Court.*
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> *9. It is trite that in most of the States, there is a consistent practice requiring the litigant concerned to first approach the Sessions Court for seeking relief of pre-arrest bail and only in the event of denial of such relief, the litigant would be granted access to approach the High Court for seeking such relief. This is, of course, subject to just exceptions and the High Court, for reasons to be recorded, may entertain an application for pre-arrest bail directly in special/ extra-ordinary circumstances."*

[2]Special Leave to Appeal (Crl) Nos. 6588 of 2025, dated 08.09.2025.
[3] Crl. Appeal @ SLP (Crl) No. 17805 of 2024 etc.

6. The Hon'ble Apex Court in ***Jagdeo Prasad v. State of Bihar and others***[4], *supra* wherein at para No. 6 as under:

> *"6. However, before parting, we do wish to express our sincere concern with the haste at which the High Court has dealt with this matter. While the scheme of Criminal Procedure Code, 1973 (now Bharatiya Nagarik Suraksha Sanhita, 2023) provides concurrent jurisdiction to the High Court and Sessions Court for entertaining applications for anticipatory bail, this Court has time and again observed that High Court should always encourage exhausting an alternative/concurrent remedy before directly interfering itself. This approach balances the interests of all the stakeholders, first by giving the aggrieved party a round of challenge before the High Court. Second, this approach provides the High Court an opportunity to assess the judicial perspective so applied by the Sessions Court, in concurrent jurisdiction, instead of independently applying its mind from the first go. Further, the High Court fails to record any reason for directly granting anticipatory bail without impleading the appellant-complainant as a party."*

7. Albeit this Court has got concurrent jurisdiction under Section 482 of 'the BNSS', such discretionary relief would only be granted, when the Petitioners establish a special case or extra ordinary circumstance. As seen from the averments, the Petitioners neither established a special case nor extra-ordinary circumstance. However, in view of the orders passed in ***Mohammed Rasal.C*** and ***Jagdeo Prasad*** *supra*, this Court is not inclined to exercise its discretionary power to grant pre-arrest bail to the Petitioners, as they have not approached the learned Sessions Judge concerned at first instance.

8. In view of the above facts and circumstances of the case, the Criminal Petition is disposed of, granting liberty to the Petitioners/Accused Nos.3 to 5 to approach the learned Sessions Judge concerned, at the first instance, and file appropriate applications seeking pre-arrest bail within a period of two (02) weeks from today, until such time, the Investigating Officer shall not arrest the

[4] Crl. Appeal @ SLP (Crl) No. 17805 of 2024 etc.

Petitioners. The learned Sessions Judge shall consider their requests for grant of pre-arrest bail in accordance with law. However, the Petitioners shall cooperate with the Investigating Officer.

9. Any observations made in this order shall not hinder the learned Sessions Judge concerned from independently applying its mind and passing appropriate orders on merits in accordance with law.

DR. Y. LAKSHMANA RAO, J

Date: 05.11.2026
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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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