APHC010592022026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

FRIDAY, THE 13th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9968 OF 2026

Between:

1. Masada Chittibabu, , S/o. Kondala RaoAged 47 Years, R/o. Dabbaputta Village,Paderu Mandal, Alluri Seetharamaraju District

...PETITIONER/ACCUSED

AND

1. The State of Andhra Pradesh, Rep by its Public ProsecutorHigh Court of Andhra Pradesh at AmaravatiThrough the Station House OfficerChirala II Town Police Station, Bapatia District

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused: SHAIK JAHANGEER BASHA

Counsel for the Respondent/complainant PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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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.11 on bail in connection with Crime No.91 of 2023 of Chirala II Town U.P.S., Bapatla District, registered for the alleged offences punishable under Section 20(b)(ii)(C) read with Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. Mr. Shaik Jahangeer, the 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. Hence, the learned counsel prays to allow the petition.

3. *Per contra*, Mr. A. Sai Rohith, learned Assistant Public Prosecutor, vehemently opposes the grant of bail to the petitioner and submits that, though the preliminary charge sheet has been filed against accused Nos.1 to

6 showing accused No.7 to 11 were absconding. Hence, he prays for dismissal of the Criminal Petition.

4. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor. Perused the record.

5. On perusal of the record, it is evident that Accused No.1 was enlarged on bail in Crl.P.No.8014 of 2023 on 07.11.2023. Similarly, Accused Nos.2, 3 and 5 were also enlarged on bail in Crl.P.No.8341 of 2023 on 07.11.2023, and Accused No.4 was enlarged on bail in Crl.P.No.9038 of 2023 on 28.11.2023. The seized contraband is 29 kgs. The allegation against the Petitioner/Accused No.11 is that he supplied ganja. There are three similar adverse antecedents against the Petitioner. A preliminary charge sheet was filed against Accused Nos.1 to 6, showing Accused Nos.7 to 11 as absconding. The Petitioner was arrested on 11.06.2026 and has been in judicial custody for the past 155 days only. The investigation with regard to the alleged role played by the Petitioner is not yet completed. The seized contraband is of commercial quantity.

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.

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

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

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.

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: 13.11.2026
S D P

17

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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