APHC010592072026

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: 9969 OF 2026

Between:

1. Chintu Nirki, S/o. Dhania, aged about 35 years,R/o. Kulabir Village, Nandapur Tehsil Koraput District, Odisha State

2. Binay Kumar Das, ,S/o. Padua, aged about 31 years,R/o. Kulabiri PadwaArea, Nandapur Tehsil Koraput District, Odisha State.

...PETITIONER/ACCUSEDs

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: BALABHADRUNI MANOHAR

Counsel for the Respondent/complainant PUBLIC PROSECUTOR

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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 Petitioners/Accused Nos.3 and 5 on bail in connection with Crime No.246 of 2026 of Korukonda Police Station, Godavari 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. Balabhadruni Manohar, the learned Counsel for the Petitioners submits that the petitioners are innocents of the alleged offence. They have been falsely implicated by the police. It is further submitted that the Petitioners are the sole earning members of their families and, therefore, their incarceration would cause undue hardship to their dependents. They are law-abiding citizens. The petitioners 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, the learned Assistant Public Prosecutor vehemently opposed the grant of bail to the Petitioners, submitting that the investigation is still underway and several material witnesses remain to be

examined. It is contended that if the Petitioners are released on bail at this stage, there is a strong likelihood that they may abscond, thereby hampering the ongoing investigation and evading the process of law and urged to dismiss the Petition.

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

5. On perusal of the record, so far only five witnesses have been examined. There is one similar adverse antecedent reported against Petitioner No.1/Accused No.3. The allegation against Petitioner No.1/Accused No.3 is that he acted as an intermediary in the supply of 10.500 kgs of ganja by receiving Rs.1,000/- towards his commission. There are no similar adverse antecedents against petitioner No.2/Accused No.5. The allegation against petitioner No.2/accused No.5 is that he acted as a transporter for the transportation of ganja. The Petitioners were arrested on 06.10.2026 and have been in judicial custody for the past 37 days only. The Petitioners are residents of the State of Odisha. The investigation with regard to the alleged roles played by the Petitioners is not yet completed.

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.

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DR. Y. LAKSHMANA RAO, J

Date: 13.11.2026
S D P

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