APHC010599392026

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

FRIDAY, THE 20th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10100/2026

Between:

KILLO SUBBA RAO, S/O BHEMAYYA,AGED ABOUT 50 YEARS,R/O VELLAPALEM VILLAGE,PEDABAYALU MANDAL,ALLURI SITARAMA RAJU DISTRICT- 531040.

...PETITIONER/ACCUSED

AND

THE STATE OF ANDHRA PRADESH, REP. BY SHO, PEDABAYALU POLICE STATION,ALLURI SITARAMA RAJU DISTRICT,THROUGH PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH,AMARAVATI. GUNTUR DISTRICT- 522 238.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

SAI RAM KUMAR VONGALA

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.4 on bail in Crime No.33 of 2026 of Pedabayalu Police Station, ASR District, registered against the Petitioner/Accused No.4 for the offence punishable under Sections 20(b)(ii)(C), 25 read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. Mr.Sai Ram Vongala, learned counsel for the petitioner submits that the petitioner is innocent of the alleged offences and has been falsely implicated in the present case. He has not committed any offence. He is a sole earning member of the family. He is a law-abiding citizen. He has got fixed abode. The petitioner undertakes to abide by any conditions that may be imposed by this Court while granting bail.

3. The learned counsel for the petitioner further submits that the petitioner is a former MPTC and that his wife is suffering from Chronic Calculous Cholecystitis and has been advised to undergo laparoscopic surgery. It is further submitted that there is nobody to look after his wife in his absence. The petitioner is willing to abide by any conditions that may be imposed by this Court. Hence, the learned counsel urges that the petition may be allowed.

4. *Per contra*, Mr. A.Sai Rohith, learned Assistant Public Prosecutor, vehemently opposes the grant of bail to the petitioner, submitting that the investigation is still underway and several material witnesses remain to be examined. It is contended that if the petitioner is released on bail at this stage, there is a likelihood of his absconding, thereby hampering the ongoing investigation and evading the process of law. In view of the foregoing submissions, learned Assistant Public Prosecutor urges that the petition be dismissed.

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

6. As seen from the record, the petitioner is arraigned as Accused No.4. So far, only four witnesses have been examined. The petitioner was arrested on 17.09.2026 and has been in judicial custody for the past 64 days only. He is alleged to have committed the offence involving 200 kilograms of ganja, which is not only a commercial quantity but also a colossal quantity. It is further contended that there is a violation of Section 52A of 'the NDPS Act'.

7. However, the learned Assistant Public Prosecutor relied upon the judgment of the Hon'ble Apex Court in **Narcotics Control Bureau v. Kashif** [1], wherein, at paragraphs 50 to 50.6, it was held that non-compliance with or delay in complying with Section 52-A of 'the NDPS Act',

[1] (2024) 11 SCC 372

by itself, neither vitiates the trial nor entitles the accused to bail. The Court must examine the overall circumstances, the other evidence available on record and whether any serious prejudice has been caused to the accused. Further, the contention that the version of the Inspector of Police is unbelievable cannot be considered at this stage, as the same is a matter for trial.

8. Having regard to the facts and circumstances of the case, the nature and gravity of the allegations levelled against the petitioner/Accused No.4 and in view of the pendency of the investigation, the request for enlarging the petitioner on bail is not found convincing and reasonable. Hence, this Court finds no merit in the Criminal Petition, and the same is liable to be dismissed.

9. 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: 20.11.2026
RSI

154

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10100 of 2026

Date: 20.11.2026
RSI