APHC010602332026

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: 10156/2026

Between:

1. GONABOYINA VASU, S/O. VENKATA RAMANA,AGED 36 YEARS, OCC LABOUR,R/O. RAGHUNADHAPURAM VILLAGE, RAJANAGARAM MANDAL,EAST GODAVARI DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF A.P., THROUGH PROHIBITION AND EXCISE STATION,RAJAMAHENDRAVARARN SOUTH, EAST GODAVARI DISTRICT,AT NELAPADU, AMARAVATHI, GUNTUR DISTRICT

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. BABUJI TENNETI

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 of New Act, (for brevity 'the BNSS') by the Petitioner/Accused No.1 for granting of pre-arrest bail in connection with Crime No.126 of 2026 of Prohibition & Excise Station, Rajamahendravaram South, East Godavari District, was registered for the alleged offence punishable under Sections 7-B read with 8-A & 8-B of the Andhra Pradesh Prohibition Act, 2000.

2. Mr. Babuji Tenneti, learned legal for the Petitioner submits that the Petitioner is innocent of the alleged offence. He has been falsely implicated in this case. He has not committed any offence. He is a law-abiding citizen. He has got fixed abode. The Petitioner undertakes to abide by any conditions that this Court may impose while granting bail. Hence, it is urged to allow the Criminal Petition.

3. *Per contra*, Mr.A.Sai Rohit, the learned Assistant Public Prosecutor, vehemently opposed the grant of pre-arrest 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 pre-arrest bail, there is a strong likelihood that he may abscond, thereby hampering the ongoing investigation and evading the process of law. Hence, it is urged that the petition be dismissed.

4. Heard the learned legal aid counsel for the Petitioner and the learned Assistant Public Prosecutor. Perused the record.

5. On perusal of the record, the Petitioner is arraigned as Accused No.1 in this case. The allegation against him is that he was transporting 10 litres of ID Arrack packed in two polythene covers. There are fifteen similar adverse antecedents reported against the petitioner. The learned counsel for the petitioner has not mentioned all those facts in this petition.

6. In this regard, it is apposite to refer to the judgment of the Hon'ble Apex Court in **Zeba Khan v. State of U.P.,**[1] wherein, at Paragraph Nos. 47 and 48, it was observed that bail applications are often considered on the basis of *prima facie* material placed before the Court at different stages of the proceedings. The Court held that non-disclosure of material facts, such as criminal antecedents, prior bail rejections, custody period, and the stage of trial, may result in an erroneous grant or refusal of bail. It was further held that every bail applicant is under an obligation to disclose all material particulars, including criminal antecedents and any coercive processes pending against him, duly supported by an affidavit. Such disclosure is necessary to ensure transparency, uniformity, and integrity in bail adjudication.

7. In view of the specific overt acts attributed against the petitioner, this Court is not inclined to grant pre-arrest bail to the petitioner, as it would amount to giving a shield, or protection or license to the petitioner against whom specific and serious allegations have been made, as per the judgments

[1] 2026 SCC Online 188

of the Hon'ble Apex Court in **Gurbaksh Singh Sibbia v. State of Panjab**[2] and **Sushila Aggarwal v. State of (NCT of Delhi)**[3].

8. In the result, this Criminal Petition is dismissed. However, learned Counsel for the Petitioner urges this Court to pass an order directing the Petitioner to surrender before the learned Judicial Magistrate.

9. This Court refers the judgment of the Hon'ble Apex Court in ***Om Prakash Chhawnika alias Om Prakash Chabnika alias Om Prakash Chawnika v. State of Jharkhand***[4], wherein Hon'ble Apex Court held that the High Courts have no jurisdiction to direct the accused to surrender before the Court and seek regular bail. In view of the law laid down in ***Om Prakash Chhawnika*** (supra), the request of learned Counsel for the Petitioner cannot be entertained.

As a sequel, Miscellaneous petitions, if any pending, shall stand closed.

DR. Y. LAKSHMANA RAO, J

Date: 20.11.2026
VMM/VBR

[2] **(1980) 2 SCC 565**
(2020) 5 SCC 1
[4] 2026 SCC OnLine SC 676

142

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10156 of 2026

Date: 20.11.2026
VMM/VBR