APHC010610272026

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

TUESDAY, THE 24th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10289/2026

Between:

1. SAKHAMURI SRINIVASU, S/O. NAGESWARA RAO,AGED ABOUT 56 YEARS, AGRICULTURE, R/O. F.NO.501,SEETHA NOMULA ENCLAVE, TARAKARAM NAGAR,PATTABHIPURAM, GUNTUR, ANDHRA PRADESH-522006.

...PETITIONER/ACCUSED No.2

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY S.H.O,PROHIBITION AND EXCISE STATION, KROSUR,PALNADU DISTRICT, REP. THROUGH THE PUBLIC PROSECUTOR, STATE OFANDHRA PRADESH,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. AJAY KUMAR KANAPARTHI

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 (for brevity 'the BNSS') by the Petitioner/Accused No.2, seeking for grant of pre-arrest bail in connection with Crime No.107 of 2026 of Prohibition and Excise Station, Krosuru, Palnadu District, registered for the alleged offences punishable under Sections 8(c) read with 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act') and Section 34(a)(ii) of A.P. Excise(Amendment) Act, 2023.

2. Heard learned counsel for the Petitioner and learned Assistant Public Prosecutor. Perused the record.

3. As seen from the record, the allegation against the Petitioner is that the Petitioner was involved in the illegal transportation and sale of 64 nip bottles of McDowell's Luxury Whisky and one yellow polythene cover containing 190 grams of dry ganja.

4. The Petitioner without approaching the learned Sessions Judge at the first instance seeking pre-arrest bail and has directly approached this Court, which procedure is contrary to the law laid down by the Hon'ble Apex Court in **Mohammed Rasal.C v. State of Kerala**[1] and **Jagdeo Prasad v. State of Bihar and others**[2]**.**

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

5. The Hon'ble Apex Court in **Mohammed Rasal.C v. State of Kerala**[3] 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.*
>
> *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."*

6. The Hon'ble Apex Court in **Jagdeo Prasad v. State of Bihar and others**[4], 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*

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

> *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 Petitioner establishes 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 Petitioner, as he has not approached the learned Sessions Judge concerned at first instance.

8. Learned counsel for the Petitioner submits that he intends to file an application for pre-arrest bail before the learned Sessions Judge concerned and requests this Court to direct the said Court to dispose of the same expeditiously.

9. Therefore, in the event the Petitioner files an application for pre-arrest bail before the learned Sessions Judge concerned, the learned Sessions Judge shall endeavour to dispose of the same as expeditiously as possible, preferably within a period of four (04) weeks from the date of its filing.

10. Accordingly, the Criminal Petition is disposed of.

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

DR. Y. LAKSHMANA RAO, J

Date: 24.11.2026
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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10289 of 2026

24.11.2026

PRA