Date of reserved for orders :
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Date of uploading :

APHC010298632026

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

THURSDAY, THE 2nd DAY OF JULY 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 4822/2026

Between:

1. SUNIL SINGH, S/O RATAN LAI, AGED 60 YEARS,R/O D.NO. 12-1-342, DATTATREYA COLONY,X ROAD, ASIF NAGAR, HYDERABAD,STATE OF TELANGANA.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by its Public Prosecutor,High Court of Judicature of Andhra Pradeshat Amaravati.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. DASARI RAMAKOTESWAR RAO

Counsel for the Respondent/complainant:

1. 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.11 of 2026 of Vajrapukothuru Police Station, Srikakulam District, registered against the Petitioner/Accused No.4 herein for the offences punishable under Sections 20(b)(ii)(B read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. The case of the prosecution, in brief, is that on 31.01.2026, acting on credible information, the police intercepted Accused Nos.1 and 2 near the Railway Station at Pundi Village, Vajrapukotturu Mandal, while they were allegedly in possession of and transporting Ganja for commercial purposes. During the search conducted in the presence of mediators and a Gazetted Officer, the police allegedly seized 16 kilograms of Ganja and two mobile phones from their possession under the cover of a mediators' report. The accused were arrested at the spot, and the contraband was seized in accordance with the prescribed procedure.

3. Mr.D. Ramakoteshwar Rao, the learned Counsel for the Petitioner, submits that the Petitioner is innocent, has been falsely implicated in the present case, and has not committed any offence under 'the NDPS Act'. It is contended that no contraband was recovered from the conscious possession of the Petitioner and that he has been implicated solely on the basis of the alleged confession of the co-accused, without any independent incriminating material. The learned counsel further submits that the mandatory procedure under Section 52-A of 'the NDPS Act.,' has not been followed and that the

provisions of Section 67 of 'the NDPS Act.,' have also been violated. It is also submitted that the Petitioner is a law-abiding citizen, will cooperate with the trial, will neither abscond nor tamper with the prosecution evidence, and is willing to abide by any conditions that may be imposed by this Court. Hence, it is urged that the Petitioner be enlarged on bail.

4. *Per contra*, Mr.A.Sai Rohit, the learned Assistant Public Prosecutor submits that the investigation is not yet completed and that some more material witnesses are yet to be examined. It is further submitted that there are one similar adverse antecedent reported against the Petitioner. Hence, it is urged 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 was arraigned as Accused No.4. He was arrested on 09.05.2026. It is alleged that he has been indulged in dealing with 16 Kgs of ganja. It is not a commercial quantity. Investigation is not completed. So far, only six witnesses are examined. Some more witnesses are to be examined. There is one similar adverse antecedent reported against the Petitioner. Be that as it may, the Petitioner/Accused No.4 is presumed to be innocent until the guilt is proved. The Hon'ble Apex Court in **Prabhakar Tewari v. State of Uttar Pradesh**[1], at para No.7, observed that

[1] (2020) 11 SCC 648

mere pendency of criminal antecedents itself is not a ground to deny the request for grant of bail.

7. 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.,**[2]**,** 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.

8. The revised Standing Order No.282(1) of the High Court of the Andhra Pradesh stated in every application for bail presented to the High Court, the Petitioner shall state whether similar application has or has not been made to the Supreme Court, and if made shall state the result thereof. The petitioner/applicant shall also mention whether he/she is/was involved in any other criminal case or not. If yes, particulars and decisions thereof. An application which does not contain this information shall be placed before the bench with the necessary information.

[2] 2026 SCC Online 188

9. In the present case, the Petitioner has not disclosed in the petition the pendency of the previous antecedents against him, though the same are reflected in the remand report.

10. Having regard to the entire facts and circumstances of the case and in view of the law laid down by the Hon'ble Apex Court in **Zeba Khan** *supra*, this Court is not inclined to enlarge the Petitioner on bail at this juncture. Accordingly, the 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:02.07.2026
KMS

Whether the order is :

Speaking Yes/No / Recorded Yes/No

Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 4822 of 2026

Date: 02.07.2026
KMS