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APHC010289402026

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

FRIDAY, THE 10th DAY OF JULY 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NOs: 4672 and 4664 of 2026

1.CRIMINAL PETITION NO: 4672/2026

Between:

1. TADI MUSALAMMA ALIAS MARY, ,W/O. LATE RAJU, AGED ABOUT 39 YEARS,R/O. D. NO.5-7-7, BALIA MARKET,SAMARLAKOTA TOWN, KAKINADA DISTRICT, A.P.
2. TADI SIRISHA, ,W/O. SANTOSH, AGED ABOUT 19 YEARS,R/O. NEAR CHURCH, KONDA VEEDHI, GNANAPURAM,VISAKHAPATNAM, VISAKHAPATNAM DISTRICT, A.P.

...PETITIONER/ACCUSED(S)

AND

THE STATE OF ANDHRA PRADESH, Rep by its Public Prosecutor,High Court of Andhra Pradesh.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

GOLLAPALLI MAHESWARA RAO

Counsel for the Respondent/complainant:

PUBLIC PROSECUTOR

2.CRIMINAL PETITION NO: 4664/2026

Between:

KARRI HEMALATHA, ,W/O. SANTOSH KUMAR, AGED ABOUT 26 YEARS,R/O. NEAR KODANDA RAMALAYAM, SRIHARIPURAMVISAKHAPATNAM, VISAKHAPATNAM DISTRICT, A.P.

...PETITIONER/ACCUSED

AND

THE STATE OF ANDHRA PRADESH, Rep by its Public Prosecutor,High Court of Andhra Pradesh.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

GOLLAPALLI MAHESWARA RAO

Counsel for the Respondent/complainant:

PUBLIC PROSECUTOR

The Court made the following:

COMMON ORDER:

These two Criminal Petitions are heard together and are being disposed of by this common order, as the petitioners in the two petitions are different, but the crime registered against them is one and the same.

2. These two Criminal Petitions have 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.1 to 3 on bail in Crime No.13 of 2026 of Gajuwaka Police Station, Visakhapatnam District, registered against the Petitioners/Accused Nos.1 to 3 herein for the offences punishable

under Sections 20(b)(ii)(C), 28, 29(1) read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

3. Sri G.Maheswara Rao, the learned counsel for the petitioners, submits that the petitioners are innocent of the alleged offence and they have been falsely implicated by the police. It is further submitted that the petitioners are the sole earning members of the family and, therefore, their incarceration would cause undue hardship to their dependents. They are law-abiding citizens. The petitioners undertake to strictly adhere to any conditions that may be imposed by this Court. In light of the foregoing submissions, the learned counsel prays that the present petition be allowed in the interest of justice.

4. *Per contra*, Mr.Rohit, 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. In view of the foregoing submissions, it is urged that the petition be dismissed.

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

6. As seen from the record, the petitioners are arrayed as Accused Nos.1 to 3. The petitioners were arrested on 10.01.2026. They have been in judicial

custody for the past 182 days. The allegation against the petitioners is that they were found in conscious possession of and transporting 32.00 KGs of ganja, which is a commercial quantity. They were arrested at the spot. The charge sheet has not been filed within the statutory period of 180 days. The petitioners are permanent residents of Visakhapatnam and Kakinada Districts. They have got fixed abode. So far, seven witnesses have been examined, all of whom are official witnesses. A substantial portion of the investigation with regard to the alleged role played by the petitioners have already been completed, but the charge sheet has not yet been filed. Therefore, the scope for the petitioners threatening the official witnesses, tampering with the evidence, or hampering the investigation may not arise. If the petitioners are enlarged on bail, subject to some stringent conditions, the interests of justice would be sub-served.

7. The learned Assistant Public Prosecutor submits that there are no adverse antecedents against the petitioners/Accused Nos.1 to 3 and no report was filed before the learned Court below by the learned Public Prosecutor concerned seeking for extension period of judicial custody of the petitioners upto one year by indicating the progress of investigation and the specific reasons for the detention of the accused beyond the initial period.

8. Section 36A(4) of ‘the NDPS Act’ states that if the investigation is not completed within 180 days, the petitioners/Accused Nos.1 to 3 has an indefeasible right to bail, unless the Special Court extends the period up to

one year on the report of the Public Prosecutor, indicating the progress of the investigation and specific reasons for the detention of the accused beyond the initial period.

9. Considering the facts and circumstances of the case, the nature and gravity of allegations levelled against the Petitioners/Accused Nos.1 to 3, this Court is inclined to enlarge the Petitioners/Accused Nos.1 to 3 on bail with some stringent conditions.

10. In the result, these two Criminal Petitions are allowed with the following stringent conditions:

i. The Petitioners/Accused Nos.1 to 3 shall be enlarged on bail subject to their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for the like sum each to the satisfaction of the learned III Additional Chief Judicial Magistrate at Gajuwaka, Visakhapatnam.

ii. The Petitioners/Accused Nos.1 to 3 shall appear before the Station House Officer concerned, on every Saturday in between 10:00 am and 05:00 pm, till filing of the charge sheet.

iv. The Petitioners/Accused Nos.1 to 3 shall not leave the limits of the State of Andhra Pradesh without prior permission from the Station House Officer concerned.

v. The Petitioners/Accused Nos.1 to 3 shall not commit or indulge in commission of any offence in future.

vi. The Petitioners/Accused Nos.1 to 3 shall cooperate with the investigating officer in further investigation of the case and shall make themselves available for interrogation by the Investigating Officer as and when required.

vii. The Petitioners/Accused Nos.1 to 3 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court.

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DR. Y. LAKSHMANA RAO, J

Date: 10.07.2026
RSI

Whether the order is :
Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NOs: 4672 and 4664 of 2026

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RSI