APHC010450412026

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

MONDAY, THE 7th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 7488/2026

Between:

1. APPIKONDA YADAV KISHORE, S/O DURGA RAO,AGE 30 YEARS, R/O SUVARNA DURGA APARTEMENT,NEAR TEMPANY SCHOOL, OPP APOLLO MEDICAL SHOPVUDA COLONY, PEDAGANTYADA, GAJUWAKA, VISAKHAPATNAM

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, Through Station House officer,Gajuwaka Police Station, VisakhapatnamRep. by Public Prosecutor,High Court at Amaravati.

...RESPONDENT/COMPLAINANT

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Courtto release the Petitioner/Accused No. 4 on bail in connection with Crime No. 283 of 2026 of Gajuwaka Police Station, Visakhapatnam

Counsel for the Petitioner/accused:

1. RAMINENI SUDHEER

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

2. Mr.Ramineni Sudhher, the learned counsel for the petitioner, submits that the petitioner is innocent of the alleged offence and he has been falsely implicated by the police. He is law-abiding citizen.He is the sole breadwinners of the family. The petitioner 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.

3. *Per contra*, Mr.A.SaiRohith, the learned Assistant Public Prosecutor vehemently opposed 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 strong likelihood that he 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.

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

5. As seen from the record, the petitioner was arrested on 25.07.2026. He has ben in judicial custody for the past 45 days. The petitioner was found in possession of 6 Kgs of Ganja. He was arrested on the spot. The petitioner is permanent resident of Visakhapatnam. He has got fixed abode. This Court, *vide* order dated 17.08.2026, in Criminal Petition No.6816 of 2026, enlarged the Accused Nos.1 to 3 on bail.

6. The petitioner has got one similar adverse antecedent in Crime No.408 of 2022 of IV Town Police Station, Visakhapatnam. The **Hon'ble Apex Court in Prabhakar Tewari v. State of Uttar Pradesh**[1] at para No.7, observed that criminal antecedents or similar adverse antecedents cannot be the sole basis for refusal of bail.

7. Having regard to the facts and circumstances of the case, gravity of nature of allegations levelled against the petitioner, this Court is inclined to enlarge the petitioners/Accused No.4 on bail with stringent conditions.

8. In the result, the Criminal Petition is allowed with the following stringent conditions:

> i. The Petitioner/Accused No.4shall be enlarged on bail subject to his executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)with two sureties each

[1] (2020) 11 SCC 648

for the like sum each to the satisfaction of the learned III Additional Chief Judicial Magistrate, Gajuwaka, Visakhapatnam.

ii. The Petitioner/Accused No.4shall 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.

iii. The Petitioner/Accused No.4 shall not leave the limits of the State of Andhra Pradesh without prior permission from the Station House Officer concerned.

iv. The Petitioner/Accused No.4 shall not commit or indulge in commission of any offence in future.

v. The Petitioner/Accused No.4 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.

vi. The Petitioner/Accused No.4 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.

DR. Y. LAKSHMANA RAO, J

Date: 07.09.2026
BMS