APHC010481692026

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

MONDAY, THE 21st DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8125/2026

Between:

POTTANGI VENKATA RAO ALIAS BABU, S/O. LATE GANGANNA,AGED ABOUT 66 YEARS,R/O. SANTHABAYALU VILLAGE,DUMBRIGUDA MANDAL,ALLURI SITHARAMA RAJU DISTRICT

...PETITIONER/ACCUSED

AND

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

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

KAKUMANU JOJI AMRUTHA RAJU

Counsel for the Respondent/complainant:

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.2 on bail in Crime No.197 of 2024 of Gopalapatnam Police Station, Visakhapatnam Commissionerate, registered against the Petitioner/Accused No.2 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. Sri Kakumanu Joji Amrutha Raju, 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. It is further submitted that the petitioner is the sole earning member of the family and, therefore, his incarceration would cause undue hardship to his dependents. He is a law-abiding citizen. The petitioner undertakes 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.Sai Rohit, 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 is arraigned as Accused No.2. He was arrested on 03.07.2026 pursuant to the execution of a P.T. Warrant and has been in judicial custody for the past 80 days. The allegation against the petitioner is that he disclosed the source from which the contraband was procured, based on which Accused No.1 allegedly procured 2.00 Kgs. of ganja. The seized contraband is not of commercial quantity. The petitioner is a permanent resident of ASR District and has got fixed abode. No application seeking custodial interrogation of the petitioner has been filed. The petitioner has already completed the statutory period of 60 days. The charge sheet has not yet been filed. The learned Assistant Public Prosecutor submits that five adverse antecedents are reported against the petitioner/Accused No.2, out of which four cases are registered for offences punishable under the provisions of IPC and one case is registered under the provisions of ‘the NDPS Act’.

6. Be that as it may, the Petitioner/Accused No.2 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 mere pendency of criminal antecedents itself is not a ground to deny the request for grant of bail.

[1] (2020) 11 SCC 648

7. Considering the facts and circumstances of the case, the nature and gravity of the allegations levelled against the petitioner/Accused No.2, the period of incarceration undergone by him and the stage of investigation, this Court is inclined to enlarge the petitioner/Accused No.2 on bail, subject to stringent conditions.

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

i. The Petitioner/Accused No.2 shall be enlarged on bail subject to his executing bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for the like sum to the satisfaction of the learned I Additional District and Sessions Judge-Special Judge for Trial of Offences under NDPS Act, Visakhapatnam.

ii. The Petitioner/Accused No.2 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.

iii. The Petitioner/Accused No.2 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.2 shall not commit or indulge in the commission of any offence while on bail.

v. The Petitioner/Accused No.2 shall cooperate with the investigating officer in further investigation of the case and shall make himself available for interrogation by the investigating officer as and when required.

vi. The Petitioner/Accused No.2 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.

vii. The Petitioner/Accused No.2 shall surrender his passport, if any, to the Investigating Officer. If he claims that he does not have passport, he shall submit affidavits to that effect to the Investigating Officer.

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DR. Y. LAKSHMANA RAO, J

Date: 21.09.2026
RSI

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8125 of 2026

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