APHC010450462026

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

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 7490/2026

Between:

1. BALORDA KOTIBABU, S/O LATE RAMA RAO, AGE 37 YEARS,R/O D.NO.L 1, OLDA VILLAGE, HUKUMPETA MANDAL, ASR DISTRICT.
2. BALORDA BADESH, S/O LATE BALANNA, AGE 43 YEARS,R/O SHARABHAGUDA VILLAGE, ARAKU VALLEY MANDAL, ASR DISTRICT.
3. BALORDA NUKALAMMA, W/O LATE LAKSHMANA, AGE 61 YEARS,R/O KANTABAMSUGUDA VILLAGE, ARAKU VALLEY MANDAL, ASR DISTRICT.

...PETITIONER/ACCUSED Nos.1 to 3

AND

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

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

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 Petitioners/Accused Nos.1 to 3 on bail in Crime No.103 of 2026 of Gopalapatnam Police Station, Visakhapatnam Commissionerate District, registered for the alleged offences punishable under Sections 20(b)(ii)(C) read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. Mr. Dasari Ramakoteswara 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. Hence, it is urged to allow the Criminal Petition.

3. *Per contra*, Mr.A.Sai Rohith, 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. Hence, it is urged to dismiss the Criminal Petition.

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

5. As seen from the record, the Petitioners are arraigned as Accused Nos.1 to 3 in this case. The Petitioners have been in judicial custody since 07.04.2026. Even after completion of 183 days of judicial custody, i.e., after expiry of the statutory period, the Charge Sheet has not yet been filed. The prosecution has not filed any special report before the learned Judge seeking extension of the period of remand. There are three similar criminal antecedents reported against Petitioner No.3/Accused No.3. However, there are no similar criminal antecedents reported against Petitioner Nos.1 and 2/Accused Nos.1 and 2. Be that as it may, the Petitioners are entitled to default bail. The Petitioners are permanent residents of ASR District. They have got fixed abode.

6. Having regard to the facts and circumstances of the case, the nature and gravity of the allegations levelled against the Petitioners/Accused Nos.1 to 3, and the period of incarceration beyond the statutory period, this Court is inclined to enlarge the Petitioners on bail, subject to the following stringent conditions.

7. In the result, the Criminal Petition is 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.1,00,000/- (Rupees One Lakh only) with two sureties for the like sum each to the satisfaction of the learned II Additional Metropolitan Magistrate, 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.

iii. 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.

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

v. 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.

vi. 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.

vii. The Petitioners/Accused Nos.1 to 3 shall surrender their passports, if any, to the Investigating Officer. If they claim that they do not possess passports, they shall submit affidavits to that effect before the Investigating Officer.

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DR. Y. LAKSHMANA RAO, J

Date: 07.10.2026
PRA

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 7490 of 2026

Date: 07.10.2026
PRA