APHC010488182026

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: 8230/2026

Between:

1. BHABANI KHILLA KHILLA, ,S/O. SUDARSHAN KHILLA, AGED ABOUT 32 YEARSR/O. CHILLI PUT VILLAGE, RAISING, PADUVA,KORAPUT DISTRICT, ODISHA STATE

...PETITIONER/Accused No.2/Owner of the vehicle

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.
2. PANGI KARMABIRA, ,S/O. MADHAN PANGI, AGED 26 YEARS,R/O. MALI BHEEMADOL VILLAGE, BAIDA, PADUVA,KORAPUT DISTRICT, ODISHA STATE.
3. LAXMAN KHORA, S/O. DUARU KHORA, AGED 44 YEARS,R/O. JATHRIPAL VILLAGE, ANKADELI MANDAL,KORAPUT DISTRICT, ODISHA STATE.
4. KILMUDU LAXMANA RAO, S/O. KOTHANA DORA, AGED 27 YEARS,R/O. SUNDRAPUTTU VILLAGE, PADERU MANDAL, ASR DISTRICT.

5. BALARAM KHIMUNDI, S/O. LOKNATH KHIMUNDI, AGED 32 YEARS,R/O. BADEL VILLAGE, PADUVA, KORAPUT DISTRICT,ODISHA STATE.
6. GOBARDDHANA DALEI, ,S/O. JHINU DALEI, AGED 32 YEARS,R/O. HANUMAL, ANKADELI, KORAPUT DISTRICT, ODISHA STATE.
7. SUBASH, R/O. ATUBU VILLAGE, PADUVA, KORAPUT DISTRICT, ODISHA STATE.
8. INDUSIND BANK PRIVATE LIMITED, REPRESENTED BY ITS AUTHORIZED SIGNATORY, KORAPUT.

...RESPONDENTS

Counsel for the Petitioner/accused:

1. BALABHADRUNI MANOHAR

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

The Court made the following:
ORDER:

The Criminal Petition has been filed under Section 483(1)(b) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to modify the condition imposed on the Petitioner/Accused No.2/owner of the vehicle *vide* order dated 24.08.2026 in Crl.M.P.No.638 of 2026 in Crime No.56 of 2026 of Pendurthy Police Station, Visakhapatnam passed by the learned I Additional District & Sessions Judge-cum-Special Judge for Trial of offences under 'the NDPS Act', Visakhapatnam (for brevity 'the learned Trial Court').

2. Heard learned counsel for the Petitioner and the learned Assistant Public Prosecutor. Perused the record.

3. On perusal of the record, 'the learned Trial Court' imposed conditions for return of the vehicle, namely Mahindra Bolero B6 BS-VI bearing Registration No.OD 10 Y 4401, for interim custody of the Petitioner, subject to the following conditions:

> *"In the result, the petition is allowed. The petitioner shall execute a bond for Rs.9,00,000/- (Rupees Nine Lakhs only) with one surety for like sum to the satisfaction of VII Additional Judicial Magistrate of First Class, Visakhapatnam. The petitioner shall furnish Bank Guarantee for Rs.9,00,000/- The petitioner shall produce the vehicle before this Court as and when he is directed during the trial and also during confiscation proceedings, if any, such proceedings are initiated. The petitioner shall not alienate the vehicle or change it's nature and character or physical features during the pendency of the case. The vehicle shall not be used for the commission of any offence. The Investigating Officer shall take the photographs of the vehicle from all angles for the purpose of future identification of the vehicle. The petitioner is hereby further directed to produce the vehicle whenever the Complainant required the same for the purpose of conducting inventory. In case, the petitioner failed to produce the vehicle before the Complainant, this order shall stands cancelled."*

4. Mr. Gollapalli Maheswara Rao, learned counsel appearing on behalf of Mr. Balabhadruni Manohar, learned counsel for the Petitioner submits that, owing to the poor financial condition of the Petitioner, he is unable to comply with the condition relating to furnishing of Bank Guarantee for Rs.9,00,000/-.

5. Considering the above facts and circumstances of the case, the order dated 24.08.2026 in Crl.M.P.No.638 of 2026 in Crime No.56 of 2026 of Pendurthy Police Station, Visakhapatnam, passed by the learned I Additional District & Sessions Judge-cum-Special Judge for Trial of offences under 'the

NDPS Act', Visakhapatnam, against the Petitioner is hereby modified as under:

> "The subject vehicle shall be released into the interim custody of the Petitioner, subject to the condition that the Petitioner shall furnish a Bank Guarantee for Rs.5,00,000/- to the satisfaction of the learned VII Additional Judicial Magistrate of First Class, Visakhapatnam."

6. Accordingly, the condition directing the Petitioner to furnish a Bank Guarantee for Rs.9,00,000/- shall stand modified to Rs.5,00,000/-.

7. The remaining conditions imposed by 'the learned Trial Court' in the original order shall remain in force and shall be duly complied with by the Petitioner.

8. Accordingly, the Criminal Petition is disposed of.

DR. Y. LAKSHMANA RAO, J

Date: 07.10.2026
PRA

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION No.8230 of 2026

Date: 07.10.2026

PRA/VMM