APHC010518712026

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: 8717/2026

Between:

1. KATRU UDAY, S/O RAMAMOHANARAO, AGED 36 YEARS,RESIDING AT D.NO. 5-177, DONDAPETA ROAD,NEAR FCI GOWDOWNS, YALLAVANIGARUVU, PALACOLE,PALAKOL, WEST GODAVARI.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, Represented by its Public Prosecutor, High Court of Andhra Pradesh, Through Prohibition 86 Excise Station, Markapur.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. SHAIK AFZAL MOHAMMED

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the petitioner/Accused No.5 for granting of pre-arrest bail in connection with Crime No.69 of 2026 of Prohibition & Excise Station, Markapur, Prakasam District, was registered for the alleged offence punishable under Sections 34(a) read with 11(2), 14(2), 15(1), 34(1) (ii) of the Andhra Pradesh Excise Act, 1968 (for brevity 'the Act').

2. Sri Shaik Afzal Mohammed, the learned counsel for the petitioner, submits that the petitioner is the innocent of the alleged offence. He is a law-abiding citizen. He has not committed any offence. He has been falsely implicated by the police. There are no similar adverse antecedents reported against the petitioner. The petitioner undertake to strictly adhere to any conditions that may be imposed by this Court. In light of the foregoing submissions, 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 pre-arrest bail to the petitioner, submitting that the petitioner is arraigned as Accused No.5 and that the investigation is still underway and several material witnesses remain to be examined. It is contended that if the petitioner is released on pre-arrest bail, there is a strong

likelihood that she may abscond, thereby hampering the ongoing investigation and evading the process of law. Hence, 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.5. His name was not found in the F.I.R. There are no similar adverse antecedents reported against the petitioner. The petitioner is a permanent resident of West Godavari District and has got fixed abode. So far, three persons have been arrested. It is alleged that the petitioner also indulged in illegally dealing with 240 liquor bottles.

6. In this context, it is apposite to refer the judgment of the Hon'ble Apex Court in **P. Krishna Mohan Reddy v. State of Andhra Pradesh**[1], at Para Nos.27 and 53 (iv) it is held as under:

> "*27. To some extent, the petitioners could be said to have made out a prima facie case of political bias or mala fides but that by itself is not sufficient to grant anticipatory bail overlooking the other prima facie materials on record. Political vendetta or bias if any is one of the relevant considerations while considering the plea of anticipatory bail. The courts should keep one thing in mind, more particularly, while considering the plea of anticipatory bail that when two groups of rival political parties are at war which may ultimately lead to litigations, more particularly, criminal prosecutions there is bound to be some element of political bias or vendetta involved in the same. However, political vendetta by itself is not sufficient for the grant of anticipatory bail. The courts should not just look into the aspect of political vendetta and ignore the other materials on record constituting a prima facie case as alleged by the State. It is only when the court is convinced more than prima facie that the allegations are frivolous and baseless, that the court may bring into the element of political vendetta into consideration for the purpose of considering the*

[1] 2025 SCC Online SC 1157

> *plea of anticipatory bail. The frivolity in the entire case that the court may look into should be attributed to political bias or vendetta.*
> *53. From the above exposition of law, the following emerges:*
> *(iv) Where such police statement of an accused is confessional statement, the rigour of Section(s) 25 and 26 respectively will apply with all its vigour. A confessional statement of an accused will only be admissible if it is not hit by Section(s) 24 or 25 respectively and is in tune with the provisions of Section(s) 26, 28 and 29 of the Evidence Act respectively.*
> *In other words, a police statement of an accused which is in the form of a confession is per se inadmissible and no reliance whatsoever can be placed on such statements either at the stage of bail or during trial. Since such confessional statements are rendered inadmissible by virtue of Section 25 of the Evidence Act, the provision of Section 30 would be of no avail, and no reliance can be placed on such confessional statement of an accused to implicate another co-accused.*"

7. Having regard to the entire facts and circumstances of the case, the gravity and nature of the allegations levelled against the petitioner/Accused No.5, this Court deems it fit to grant pre-arrest bail to the petitioner/Accused No.5 with the following conditions:

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

i. In the event of her arrest, petitioner/Accused No.5 shall be enlarged on bail subject to his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for the like sum each to the satisfaction of the arresting police officials;

ii. The petitioner/Accused No.5 shall make himself available for investigation as and when required;

iii. The petitioner/Accused No.5 shall not cause any threat, inducement or promise to the prosecution witnesses.

iv. The petitioner/Accused No.5 shall appear before the Station House Officer concerned once in a week i.e., on every Saturday between 10.00 a.m. and 5.00 p.m., till filing of the charge sheet.

v. The petitioner/Accused No.5 shall not leave the limits of the State of Andhra Pradesh without the express permission from the Station House Officer concerned.

vi. The petitioner/Accused No.5 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: 07.10.2026
Pmk

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8717 of 2026

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Pmk