APHC010521352026

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

THURSDAY, THE 8th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8761/2026

Between:

1. BARRI NAGARAJU, S/O. LATE ADINARAYANA, AGED ABOUT 24 YEARS,R/O. RAMALAYAM BAJANA KOVELA, GOLLA VEEDHI FISHING HARBOUR, I TOWN, VISAKHAPATNAM CITY,VISAKHAPATNAM DISTRICT, A.P.

...PETITIONER/ACCUSED

AND

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

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. GOLLAPALLI MAHESWARA 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 Petitioner/Accused No.4 on bail in Crime No.215 of 2026 of Bheemunipatnam Police Station, Visakhapatnam Commissionerate,

registered for the alleged 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. Mr. G.Maheswara Rao, the learned Counsel for the Petitioner submits that the Petitioner is innocent of the alleged offence. 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. Hence, it is urged to allow the Petition.

3. *Per contra*, Mr.A.Sai Rohith, 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 and urged to dismiss the Petition.

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.4 in this case. The Petitioner was apprehended on 17.07.2026 and has been in judicial custody for the past 83 days. The role of the Petitioner came to light

based on the confession given by the co-accused. The seized contraband is 8 kgs of ganja. There are no similar criminal adverse antecedents reported against the Petitioner. But, there are two criminal antecedents reported against the Petitioner, namely: (1) Crime No.477 of 2021 of Bhogapuram Police Station, registered for the offences punishable under Sections 384, 324 and 506 read with 34 of the Indian Penal Code, 1860[1]; and (2) Crime No.249 of 2025 of Bheemili Police Station, registered for the offence under Section 305(a) of the Bharatiya Nyaya Sanhita, 2023[2]. Be that as it may, the Petitioner/Accused No.4 is presumed to be innocent until the guilt is proved. The Hon'ble Apex Court in **Prabhakar Tewari v. State of Uttar Pradesh**[3], at para No.7, observed that mere pendency of criminal antecedents itself is not a ground to deny the request for grant of bail.

6. The Petitioner is a permanent resident of Visakhapatnam. He has got fixed abode. If the Petitioner is enlarged on bail subject to stringent conditions, there is no likelihood of his absconding, threatening the witnesses, tampering with the evidence or hampering the further course of investigation.

7. Having regard to the facts and circumstances of the case, the nature and gravity of the allegations levelled against the Petitioner, the period of incarceration undergone by him, this Court is inclined to enlarge the Petitioner on bail, subject to certain stringent conditions.

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[1] 'the I.P.C.,'
[2] 'the BNS'
[3] (2020) 11 SCC 648

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

i. The Petitioner/Accused No.4 shall be enlarged on bail subject to his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for the like sum each to the satisfaction of the learned XV Additional Judicial First Class Magistrate, Bheemunipatnam.

ii. The Petitioner/Accused No.4 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.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 while on bail.

v. The Petitioner/Accused No.4 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.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.

vii. The Petitioner/Accused No.4 shall surrender his passport, if any, to the Investigating Officer. If he claims that he does not have passport, he shall submit affidavit to that effect to the Investigating Officer.

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DR. Y. LAKSHMANA RAO, J

Date: 08.10.2026
PRA

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8761 of 2026

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PRA