APHC010523392026

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

MONDAY, THE 12th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8808/2026

Between:

1. PAYAL PAL, W/O. AVIJIT PAL, AGED ABOUT 43 YEARS,R/O. SHASHI BHUSHAN SARKAR LANE, SALKIA AREA,HAORA, HOWRAH DISTRICT, WEST BENGAL STATE,PRESENTLY RESIDING AT H.NO.134, RABINDRA SARANIBALLY JAGACHHA, CHAKPARA STREET, HOWRAH DISTRICT,WEST BENGAL STATE
2. MOU MAKHAL ALIAS TANISHA, W/O. SUBHA MAKHAL, AGED ABOUT 43 YEARS,R/O. BALLY DURGAPUR VILLAGE, BALLY JAGACHHAPANCHAYAT, SAMABANYPALLI POST, HOWRAH DISTRICT,WEST BENGAL STATE

...PETITIONER/ACCUSED Nos.1 & 2

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(S):

1. GOLLAPALLI MAHESWARA RAO

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

This 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 & 2 on bail in Crime No.108 of 2026 of Ichapuram Town Police Station, Srikakulam District, 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. Gollapalli Maheswara 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 and 2 in this case. The Petitioners were arrested on 24.08.2026 and have been in judicial custody for the past 49 days. They were allegedly found in possession and transportation of 12.520 kgs. of ganja. No similar criminal antecedents have been reported against the Petitioners.

6. The Petitioners are permanent residents of West Bengal State. They have got fixed abode. If the Petitioners are enlarged on bail, subject to stringent conditions, there is no likelihood of their interfering with the investigation, threatening the witnesses, or tampering with the prosecution evidence.

7. Having regard to the facts and circumstances of the case, the nature and gravity of allegations levelled against the Petitioners/Accused Nos.1 & 2, this Court is inclined to enlarge the Petitioners/Accused Nos.1 & 2 on bail with some stringent conditions.

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

> i. The Petitioners/Accused Nos.1 & 2 shall be enlarged on bail subject to their executing a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the like sum each to the satisfaction of the learned Principal Judicial Magistrate of First Class, Sompeta (FAC), Ichapuram, Srikakulam District

ii. The Petitioners/Accused Nos.1 & 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 Petitioners/Accused Nos.1 & 2 shall not commit or indulge in commission of any offence while on bail.

iv. The Petitioners/Accused Nos.1 & 2 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.

v. The Petitioners/Accused Nos.1 & 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.

vi. The Petitioners/Accused Nos.1 & 2 shall not leave the limits of the State of Andhra Pradesh without express permission from the Station House Officer concerned.

vii. The Petitioners/Accused Nos.1 & 2 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: 12.10.2026
PRA

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8808 of 2026

Date: 12.10.2026
PRA