APHC010544892026

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

MONDAY, THE 26th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9108/2026

Between:

1. YEDDU HEMANTH, S/O. SRINIVASA RAO, AGED ABOUT 21 YEARS,R/O. D.NO.39-28-110, MAHATHMA COLONY, MADHAVADARA,VISAKHAPATNAM CITY AND DISTRICT, A.P.
2. DARA SUDHEER KUMAR, S/O. DARA VENKATA RAO, AGED ABOUT 26 YEARS, R/O. FLAT SF-1, JAI SAI AV RESIDENCY, BHASKAR GARDENS MARRIPALEM, VISAKHAPATNAM CITY AND DISTRICT, A.P.
3. PILLI GNANA PRASAD, S/O. LAXMINARAYANA RAO, AGED ABOUT 26 YEARS,R/O. D.NO.57- 17 7/E, GOKUL NAGAR, OPPOSITE OF PARAMESWARI THEATRE, KANCHARAPALEM, VISAKHAPATNAM CITY,VISAKHAPATNAM DISTRICT, A.P.

...PETITIONER/ACCUSED(S)

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:

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.190 of 2026 of Airport 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. 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 to 3 in this case. The Petitioners were arrested on the spot while they were allegedly in possession and transportation of 11.100 kgs of ganja. They have been in judicial custody for the past 76 days pursuant to their arrest on 11.08.2026. So far, four witnesses have been examined. The material portion of the investigation with regard to the alleged role played by the Petitioners concerned has been completed.

6. There are no similar antecedents reported against Accused No.1. However, Cr.No.51 of 2024 under Section 379 of ‘the IPC’ and Cr.No.130 of 2025 under Section 103(1) of ‘the BNS’ have been registered against him at Airport Law and Order Police Station, Visakhapatnam City. A rowdy sheet is also being maintained against him at Airport Law and Order Police Station, Visakhapatnam City.

7. Against Accused No.2, Cr.No.114 of 2017 under Section 379 of ‘the IPC’ and Cr.No.361 of 2023 under Sections 328 and 336 read with Section 34 of ‘the IPC’ have been registered at Airport Police Station, Visakhapatnam City; Cr.No.50 of 2021 under Sections 27(a) and 27(b) of ‘the NDPS Act’ has been registered at Pendurthi Police Station, Visakhapatnam City; and Cr.No.50 of

2026 under Section 118(1) of 'the BNS', has been registered at Airport Police Station, Visakhapatnam City.

8. Against Accused No.3, Cr.No.257 of 2024 under Sections 109(1), 115(2), 118(1), 126(2), 61(2), 74 and 79 of 'the BNS' has been registered at I Town Police Station, Visakhapatnam City, and Cr.No.395 of 2023 under Sections 323 and 324 read with Section 34 of 'the IPC' has been registered at Kancharapalem Police Station, Visakhapatnam City. A rowdy sheet is also being maintained against him at I Town Police Station, Visakhapatnam City.

9. Be that as it may, the Petitioners/Accused Nos.1 to 3 is presumed to be innocent until the guilt is proved. The Hon'ble Apex Court in **Prabhakar Tewari v. State of Uttar Pradesh**[1], at para No.7, observed that mere pendency of criminal antecedents itself is not a ground to deny the request for grant of bail.

10. The Petitioners are permanent residents of Visakhapatnam. They have got fixed abode. If they are enlarged on bail subject to certain stringent conditions, no prejudice would be caused to the process of investigation.

11. 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, this Court is inclined to enlarge the Petitioners on bail, subject to the following stringent conditions.

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[1] (2020) 11 SCC 648

12. 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.50,000/- (Rupees Fifty Thousand only) with two sureties for the like sum each to the satisfaction of the learned I Additional District and Sessions Judge-cum-Special Judge for Trial of Offences under NDPS Act, 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.

DR. Y. LAKSHMANA RAO, J

Date: 26.10.2026
PRA

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9108 of 2026

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