APHC010547182026

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

TUESDAY, THE 10th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9152/2026

Between:

TANDASA AVINASH ALIAS LEO, S/O ANANDA RAO, AGED 24 YEARS,RIO D.NO. 11-322/1, SANJAY GANDHI NAGAR,SHAPURA NAGAR, IDA JEEDIMETLA, QUTUBULLAPUR,RANGAREDDY DISTRICT, STATE OF TELANGANA.

...PETITIONER/ACCUSED

AND

THE STATE OF ANDHRA PRADESH, ,REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

DASARI RAMAKOTESWAR RAO

Counsel for the Respondent/complainant:

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.2 on bail in connection with Crime No.391 of 2026 of Pendurthi Police Station, Visakhapatnam District, registered for the alleged offences punishable under Sections 20(b)(ii)(B), 25 read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. Mr.D.Ramakoteswar 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, the learned counsel prays 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.1. He was arrested on 13.09.2026 and has been in judicial custody for the past 58 days. The prosecution alleges that the petitioner was found in conscious possession of 4.00 kgs of ganja. The seized contraband does not fall within the category of commercial quantity. The petitioner is a permanent resident of the State of Telangana and has a fixed place of abode. So far, four witnesses have been examined, and the charge sheet has not yet been filed. The learned Assistant Public Prosecutor submits that four similar adverse antecedents are reported against the petitioner/Accused No.1.

6. Be that as it may, the Petitioner/Accused No.1 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.

7. Having regard to the facts and circumstances of the case, the nature and gravity of the allegations levelled against the petitioner, and the period of incarceration undergone by him, this Court is inclined to enlarge the petitioner/Accused No.2 on bail, subject to certain stringent conditions.

---

[1] (2020) 11 SCC 648

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

i. The Petitioner/Accused No.2 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 VII Additional Judicial First Class Magistrate, Visakhapatnam.

ii. The Petitioner/Accused No.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 Petitioner/Accused No.2 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.

iv. The Petitioner/Accused No.2 shall not leave the limits of the District without prior permission from the Station House Officer concerned.

v. The Petitioner/Accused No.2 shall not commit or indulge in commission of any offence while on bail.

vi. The Petitioner/Accused No.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.

vii. The Petitioner/Accused No.2 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.

_____

DR. Y. LAKSHMANA RAO, J

Date: 10.11.2026
RSI

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9152 of 2026

Date: 10.11.2026
RSI