APHC010553332026

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

TUESDAY, THE 27th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9232/2026

Between:

1. VAKADA PAWAN KUMAR ALIAS MUKKA, S/O.SHESHAGIRI, AGE 19 YEARS, R/O. KAMARAJUPETA VILLAGE, GOKAVARAM MANDAL, EAST GODAVARI DISTRICT.
2. CHAVALAM ABBAYI DORA ALIAS ABHI, S/O.VENKANNA DORA, AGED 24 YEARS,KOTHADA VILLAGE, GANGAVARAM MANDAL, POLAVARAM DISTRICT.
3. PODUGU JAYARAJU ALIAS VIJAY, S/O.POTHURAJU, AGED YEARS,KOTHADA VILLAGE, GANGAVARAM MANDAL, POLAVARAM DISTRICT

...PETITIONER/ACCUSED(S)

AND

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

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1. KADIYAM NEELAKANTESWARA 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.7 of 2026 of Gurthedu Police Station, Polavaram District, registered for the alleged offences punishable under Sections 20(b)(ii)(C) read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. Heard the learned counsel for the Petitioners and the learned Assistant Public Prosecutor. Perused the record.

3. Mr.Kadiyam Neelakanteswara Rao, the learned counsel for the Petitioners submits that he intends to withdraw the petition in favour of the Petitioner Nos.1 and 2. Smt. Koppisetti Parvati Devihas filed a criminal petition for enlargement of the Accused Nos.1 and 2 vide Crl.P.No.8668 of 2026. Hence, the learned counsel for the petitioners is permitted to not-press the relief in favour of Accused Nos. 1 and 2.

4. Mr.Kadiyam Neelakanteswara Rao, the learned counsel for the Petitioners submits that Petitioner No.3/Accused No.3 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 law-abiding citizens. The Petitioner undertakes to strictly adhere to any

conditions that may be imposed by this Court while enlarging him on bail. Hence, it is urged to allow the Criminal Petition.

5. *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 are 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 Criminal Petition.

6. On perusal of the record, the Petitioners are arraigned as Accused Nos.1 to 3 in this case. The Petitioners were arrested on 13.04.2026. They have been in judicial custody for the past 197 days. The prosecution alleges that the Petitioners were indulged in dealing with 24 kgs of ganja.

7. The learned Assistant Public Prosecutor submits that an application was filed seeking for extension of the judicial custody of the petitioners beyond 180 days. Such application cannot be allowed when the petitioner is in the judicial custody beyond 180 days. That application would have been considered and allowed by the learned Trial Court before completion of 180 days. Charge sheet has not yet been filed. Criminal Petition against Accused Nos.1 and 2 is dismissed as withdrawn.

8. The Accused No.3 was arrested on 13.04.2026. He has been in judicial custody for the past 197 days. The prosecution alleges that the Petitioners were indulged in dealing with 24 kgs of ganja. There is one similar adverse antecedent reported against the Accused No.3.

9. The Petitioner No.3 is permanent resident Polavaram District. He has got fixed abode. If the Petitioner No.3 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.

10. Having regard to the facts and circumstances of the case and the nature and gravity of the allegations levelled against Petitioner No.3/Accused No.3, this Court is inclined to enlarge Petitioner No.3/Accused No.3 on bail, subject to certain stringent conditions. Hence, the Criminal Petition, insofar as Petitioner No.3/Accused No.3 is concerned, is allowed.

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

> i. The Petitioner No.3/Accused No.3 shall be enlarged on bail subject to his executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only)with two sureties for the like sum each to the satisfaction of the learned Judicial First Class Magistrate, Rampachodavaram
> ii. The Petitioner No.3/Accused No.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 Petitioner No.3/Accused No.3 shall not leave the limits of the State of Andhra Pradesh without prior permission from the Station House Officer concerned.

iv. The Petitioner No.3/Accused No.3 shall not commit or indulge in commission of any offence in future.

v. The Petitioner No.3/Accused No.3 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 No.3/Accused No.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 Petitioner No.3/Accused No.3 shall surrender her passport, if any, to the Investigating Officer. If she claims that he does not have passport, he shall submit affidavit to that effect to the Investigating Officer.

DR. Y. LAKSHMANA RAO, J

Date: 27.10.2026

Note: Issue C.C. by today

B/o

VMM

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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