APHC010572312026

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

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9600/2026

Between:

1. SUNIL KUMAR ALIAS MOHITH JAISWAL, S/O. MANOJ KUMAR, AGED ABOUT 19 YEARS,R/O. NEAR DURGA MANDIR, BODHNAGAR VILLAGE, BAFNIWAN POST, HARNAUT P.S., NALANDA DISTRICT,BIHAR STATE.
2. SURYANARAYAN GOUDA SILIU GOUDA, S/O. ABHIMANYU GOWDO, AGED ABOUT 31 YEARS,R/O. GOUDA STREET, DHARMAPUR VILLAGE, KANSAMARI POST, CHANAMARI PANCHAYAT, PATTAPUR P.S., GANJAM DISTRICT, ODISHA STATE.

...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. BALABHADRUNI MANOHAR

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 Petitioners/Accused Nos.1 and 2 on bail in Crime No.130 of 2026 of Ichapuram Town Police Station, Srikakulam 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. Balabhadruni Manohar, learned Counsel for the Petitioners submits that the Petitioners are innocent of the alleged offence and have been falsely implicated by the police. It is further submitted that the Petitioners are the sole earning member of their families and, therefore, their incarceration would cause undue hardship to their dependents. The Petitioners undertake 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 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 and urged to dismiss the Petition.

4. Heard the learned Counsel for the Petitioner and the learned Assistant Public Prosecutor. Perused the record.

5. On perusal of the record, the Petitioners are arraigned as Accused Nos.1 and 2 in this case. The allegation against the Petitioners is that they were indulged in dealing with 16.040 kilograms of ganja illegally, which is not a commercial quantity. The Accused No.1 is at the impressionable age of 19 years. So far, five witnesses have been examined, and all of them are material witnesses. The Petitioners were arrested on 05.10.2026 and have been in judicial custody for the past 29 days.

6. The Petitioners are permanent residents of Bihar and Odisha States respectively. They have got fixed abode. If the Petitioners are enlarged on bail subject to stringent conditions, there is no likelihood of their 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 leveled against the Petitioners/Accused Nos.1 and 2, this Court is inclined to enlarge them on bail, subject to the following stringent conditions:

> i. The Petitioners/Accused Nos.1 and 2 shall be enlarged on bail subject to their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties for the like sum each to the satisfaction of the learned Principal Judicial First Class Magistrate, Sompeta (FAC), Ichapuram, Srikakulam District.

ii. The Petitioners/Accused Nos.1 and 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 and 2 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 and 2 shall not commit or indulge in commission of any offence in future.

v. The Petitioners/Accused Nos.1 and 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.

vi. The Petitioners/Accused Nos.1 and 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 them from disclosing such facts to the Court.

vii. The Petitioners/Accused Nos.1 and 2 shall surrender their passport, if any, to the Investigating Officer, if he claims that they do not have passport, they shall submit an affidavit to that effect before the Investigating Officer.

DR. Y. LAKSHMANA RAO, J

Date:03.11.2026
VMM

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITIONNo.9600 of 2026

Date:03.11.2026

VMM