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CRL OP No. 8352 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 8352 of 2026

Koruprolu Durga Prasad Rao

..Petitioner

Vs

The State rep by Union of India
Narcotics Contral Bureau,
Chennai Zonal Unit,
Chennai (R.R.No.57 Of 2020)

..Respondent

Prayer: Criminal Original Petition filed under section 483 of BNSS Act to enlarge the petitioner on bail pending trial in C.C.No.170 of 2021 on the file of I Additional Special Judge for NDPS Act, Chennai.

For Petitioner:

Mr.T.S.Sasi Kumar

For Respondent:

Mr.N.P.Kumar,
Special Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.03.2022 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C) , 25, 28 and 29 of NDPS Act in R.R.No.57 of 2020 on the file of the respondent, seeks bail.

2. The case of the prosecution is that truck bearing Reg No.AP 05 Y 4473 was intercepted by the respondent and 288.5 kgs of ganja was alleged to have been recovered and seized from the truck driven by A1. The petitioner is the owner of the vehicle. He has been under incarceration since 24.03.2022



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3. The learned counsel for the petitioner submitted that the petitioner is under terminal ill and has been taking treatment for chronic kidney disease at Stage 4 and has been undergoing regular dialysis. He further submitted that the co accused has already released on bail by the Hon'ble Supreme Court in SLP NO.16070 of 2023 dated 31.01.2024 and based on said order, A2 was also released on bail by this Court in Crl.OP.No.7971 of 2025 dated 30.06.2025. Therefore, notwithstanding the parity, as that of the Accused 1 and 2 on account of medical ground he may be considered for bail. Hence, he prays to grant bail to the petitioner.

4. The learned Special Public Prosecutor appearing for the respondent authority submitted that 288 kgs of ganja has been recovered and this petitioner being the owner of the vehicle. He further submitted that the other Accused are drivers and cleaners of the vehicle. Therefore, the petitioner cannot seek parity with that of the above order as the petitioner being the owner and there was huge recovery of ganja. Hence, he opposed to grant bail to the petitioner.

5. At this juncture, it is appropriate to refer the letter addressed by the Superintendent, Central Prison, Visakhapatnam to the learned I Additional District and Sessions Judge, Visakhapatnam city, copy marked to the learned I Additional Special Court (NDPS Act) Chennai.

6. For ready reference, the same is depicted as below:



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GOVERNMENT OF ANDHRA PRADESH
Prisons Department

From
The Superintendent (FAC),
Central Prison,
Visakhapatnam.

To
The Hon'ble 1st Addl. District &
Sessions Judge,
Visakhapatnam City.

Letter No. CPVI/Jr (Hosp) / 1556 / 2025 Dated: 03-03-2026

Sr.
Sub: Prisons Department - Central Prison, Visakhapatnam - RP No. 0553
K. Durga Prasad, S/o. Appa Rao, age 50 years - Serious ill health -
admitted in King George Hospital - information - Submitted - Regarding.

I submit that the remand prisoner No. 0553, K. Durga Prasad, S/o. Appa Rao, age 50 years, involved in Cr. No. 117 / 2021, Koyyuru P.S., U/s. 20(b), (ii), (c), 25 - Iw 8(c) of NDPS Act, SC No. 359/2022 on the file of the Hon'ble JFCM, Chintlapalli and also involved in Cr. No. NCB F. No. 48/113/2020-NCB/MD8, DC No. 170/2021 of the Hon'ble 1st Additional Special Court (NDPS Act) Chennai, was admitted to this Prison on 12-05-2025.

Further I submit that the said Remand Prisoner is suffering with "Chronic Kidney disease" and was referred for medical treatment by the Prison Medical Officer and he was sent to King George Hospital for treatment where he was admitted on 06-02-2026 and is continuing to undergoing treatment there as an inpatient till date.

Further I submit that that said remand prisoner is diagnosed with Chronic Kidney Disease Stage IV, associated with severe anemia (Haemoglobin below 5g), Type -2 Diabetes Mellitus, and Hypertension. The Nephrology Department of KGH Visakhapatnam has conducted that the prisoner undergo regular dialysis on alternate days and to receive Erythropoietin injections twice weekly, along with further medical management. Further it is also submitted that on 02-03-2026, this institution arranged required blood units to the said prisoner. At present, his condition is reported to be very grave and he is not responding satisfactorily to the on-going treatment.

This is submitted for favour of information and necessary action.

Encl: Medical Certificate.

Yours faithfully,

Superintendent (FAC),
Central Prison, Visakhapatnam

Copy Submitted to the Hon'ble 1st Additional Special Court (NDPS Act) Chennai.
Copy to the Superintendent of Prisons, Central Prison-1, Chennai.
Copy to the Station House Officer, Koyyuru Police Station for information.

7. The authenticity of the letter is not seriously disputed by the learned Special Public Prosecutor.



8. This Court has perused the medical certificate issued by the Civil Assistant Surgeon, Central Prison, Visakhapatnam, where the Civil Assistant Surgeon has observed as follows:

MEDICAL CERTIFICATE

This is to certify that Remand Prisoner No.0663 Korupolu Durga Prasad or has health related checkups for central prison Visakhapatnam on 12.08.2025, in connection with Crime No.117/2021, of Koyyuru P.S, NSC No.359/2022, (Sec - 20(b)(ii)(C), 25 r/w 8(C) of NDPS - Act 1985 on the file of the Hon'ble J. Addl. District & Sessions Judge, Visakhapatnam.

The above mentioned prisoner was under treatment for a Chronic medical condition, namely suffering from on Chronic Kidney Diseases stage - IV associated with sever Anemia Below 6gms% and was advised by K.G.H Nephrology department Injection epo weekly twice until further instruction and also he had Diabetic type -2 with Hypertension. Due to low Hemoglobin he is developing Both Leg's & face swelling.

Patient was admitted to K.G.H for his Kidney problem on the following dates

<u>Date of admission</u>	<u>Date of Discharge</u>
1) 19-08-2025	30-08-2025 K.G.H Prisoner ward
2) 06-11-2025	15-11-2025 K.G.H Prisoner ward
3) 06-02-2026	Till to date - Nephrology ward

His present condition is very grave as he is undergoing regular dialysis every alternate day. He is not responding satisfactorily to the treatment at K.G.H Nephrology ward.

This is you kind information, Sir

Date:01.03.2026
Visakhapatnam.

Civil Assistant Surgeon,
Central Prison, Visakhapatnam.



9. From the perusal of the above records, it is obvious that the petitioner is terminally ill and he is in a grave situation, and not responding satisfactorily to the treatment which is being given by the Prison Authorities. In such view of the extraordinary situation though he is not entitled to have parity as he being the owner of the vehicle, on account of grave medical ground, this Court is inclined to enlarge the petitioner on bail subject to certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, out of which one blood surety**, for a like sum to the satisfaction of the **learned I Additional Special Judge for NDPS Act, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the **learned I Additional District and Sessions Judge, Visakhapatnam City daily at 10.30 a.m until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the



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petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

07-04-2026

SHL

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To:

1. The I Additional Special Judge for NDPS Act,
Chennai
2. I Additional District and Sessions Judge,
Visakhapatnam city
3. The Narcotics Contral Bureau,
Chennai Zonal Unit,
Chennai
4. The Central Prison,
Visakapatnam



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C.KUMARAPPAN J.

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