



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

[3396]

TUESDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 1246/2026

Between:

1.PINTU NAG, S/O. BIBHISHAN NAG, AGED ABOUT 22 YEARS,R/O.
PAIKA DAKULGUDA VILLAGE, BISHAMAKATAK BLOCK, RAYAGADA
DISTRICT, ODISHA STATE.

...PETITIONER/ACCUSED

AND

1.THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC
PROSECUTOR, HIGH COURT OF ANDHRA PRADESH,
AMARAVATHI

...RESPONDENT/COMPLAINANT

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS
praying that in the circumstances stated in the Memorandum of Grounds of
Criminal Petition, the High Court may be pleased to enlarge the
Petitioner/Accused No.1 on bail pending disposal of Crime No.80/2025 of
Government Railway P.S., Vizianagaram and to pass such

Counsel for the Petitioner/accused:

1.GOLLAPALLI MAHESWARA RAO

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 1246/2026****ORDER:**

This Criminal Petition, under Sections 480 and 483 of the BNSS, has been filed by the Petitioner herein/Accused No.1, seeking regular bail, in Crime No.80/2025 of Government Railway P.S., Vizianagaram, registered for the offences punishable under Section 8 (c) r/w 20(b)(ii) (B) of Narcotic Drugs and Psychotropic Substances Act (for short "NDPS Act").

2. The case of the prosecution in brief, is that, on 10.05.2025, the A.S.I of Government Railway of P.S., received information about the illegal possession and sale of ganja. She secured the presence of the mediators and rushed to south end on platform No.1 of Vizianagaram Railway Station. On reaching the spot, the police noticed one person suspiciously and on seeing the police, the said person tried to escape but was apprehended by police. The police have seized 10 Kgs of Ganja under the cover of mediators' report.

3. Heard Sri Gollapalli Maheswara Rao, learned counsel for the petitioner/accused No.1 and Mrs.K.Priyanka Lakshmi, learned Assistant Public Prosecutor on behalf of the State.

4. Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this crime and that he is in no way connected with the commission of the offence. It is further submitted that the petitioner is the sole earning member of the family and, therefore, his continued incarceration

would cause undue hardship to his dependents. The Petitioner has been in judicial custody since 10.05.2025. It is further submitted that the statutory period is over. Learned counsel further submits that the petitioner undertakes to strictly adhere to any conditions that may be imposed by this Hon'ble Court.

5. Learned Assistant Public Prosecutor on behalf of the State vehemently opposed the petition and contended that the investigation is still pending. There are no adverse antecedents against the petitioner/Accused No.1, and no report was filed before the learned Court below by the learned Public Prosecutor concerned seeking for extension period of judicial custody of the petitioner upto one year by indicating the progress of investigation and the specific reasons for the detention of the accused beyond the initial period.

6. Section 36A(4) of 'the Act' states that if the investigation is not completed within 180 days, the petitioner/accused has an indefeasible right to bail, unless the Special Court extends the period up to one year on the report of the Public Prosecutor, indicating the progress of the investigation and specific reasons for the detention of the accused beyond the initial period.

7. Considering the submissions and upon keen perusal of the material placed on record and in the light of the facts and circumstances of the case, that the petitioner is in judicial custody for more than 280 days, the nature and gravity of allegation levelled against the petitioner, and his alleged role played in the case, this Court is inclined to enlarge the petitioner on bail with the following stringent conditions;

- i. The petitioner/accused No.1 shall execute a personal bond for a sum of Rs. 20,000/- (Rupees Twenty Thousand only) each with two sureties for a like sum each, to the satisfaction of the learned VI Additional Judicial Magistrate of First Class for Railways cum VI Additional Junior Civil Judge's Court, Visakhapatnam.
 - ii. The petitioner/accused No.1 shall appear before the Investigating Officer as and when required and shall cooperate with further investigation, if any.
 - iii. The petitioner/accused No.1 shall not directly or indirectly tamper with evidence nor influence, intimidate, or induce any prosecution witness.
 - iv. The petitioner/accused No.1 shall appear before the Station House Officer, concerned, once in a week i.e., on every Saturday between 10.00 a.m. and 5.00 p.m. till filing of charge sheet.
 - v. The petitioner/accused No.1 shall not commit or indulge in commission of any offence in future.
 - vi. The petitioner/accused No.1 shall surrender his passport, if any, to the investigating officer. If he claims that he does not have a passport, he shall submit an affidavit to that effect to the Investigating Officer.
8. In the event of violation of any of the above conditions, the prosecution shall be at liberty to seek cancellation of bail.
9. It is also made clear that the observations made in this order are only for the purpose of deciding the bail applications and they shall not be construed as opinion on the merits of the Crime.

As a sequel thereto, the miscellaneous applications, if any, pending in this Criminal Petition shall stand closed.

DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 24.02.2026.

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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Dt.24.02.2026

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