APHC010283312026

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

TUESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 4560/2026

Between:

1. KORRA SRINU, S/O BISHNADH, AGED 42 YEARS, R/O BAKKALAPANUKU, ITBP OFFICE BACKSIDE,PADERU, ALLURI SEETHARAMARAJU DISTRICT
2. DUKKARI RAMANA MURTHY, S/O LATE MATCHA LINGAM, AGED 37 YEARS, R/O NURAMATHI V, G. MADUGULA M, PADEM, ALLURI SEETHARAMARAJU DISTRICT.
3. VANTHALA SURIBABU, S/O KANGU, AGED 28 YEARS, R/O GANNURUPUTTU V, G. MADUGULA M,PADERU, ALLURI SEETHARAMARAJU DISTRICT.
4. SOMISETTI LOVARAJU, S/O LATE SATYANARAYANA, AGED 37 YEARS, R/O JAGANNADHAPURAM VILLAGE, PATHIPADU MANDAL, EAST GODAVARI DISTRICT

...PETITIONER/ACCUSED(S)

AND

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

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1. DASARI RAMAKOTESWAR 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 4 on bail in Crime No.276 of 2025 of Anandapuram Police Station, Visakhapatnam Commissionerate, registered against the Petitioners/Accused Nos.1 to 4 herein for the offence punishable under Section 8(c) read with Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. Sri D. Ramakoteshwar Rao, the learned Counsel for the Petitioners, submits that the Petitioners are innocent of the alleged offence and they have been falsely implicated by the police. It is further submitted that the Petitioners are the sole earning members of the family 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. In light of the foregoing submissions, learned counsel prays that the present petition be allowed in the interest of justice.

3. *Per contra*, Mr.K. Sandeep, 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. In view of the foregoing submissions, it is urged that the petition be dismissed.

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

5. As seen from the record, the Petitioners/Accused Nos.1 to 4 were arrested on the spot while allegedly in possession of 80 Kgs of Ganja, which is a commercial quantity. After thorough investigation, the charge sheet was filed on 18.05.2025, i.e., within 180 days from the date of arrest of the Petitioners.

6. The Petitioner No.1/Accused No.1 was involved in similar offences *vide* Crime No.196 of 2024 of Anandapuram Police Station. The Petitioner/Accused No.3 was also involved in a similar offence *vide* Crime No.13 of 2023 of Pedabayalu Police Station under the provisions of 'the NDPS Act'. The Petitioner/Accused No.1 is a permanent resident of Alluri Sitarama Raju District. The Petitioner Nos.2 and 3/Accused Nos.2 and 3 are residents of Naramathi and Gannuruputtu villages of G. Madugula Mandal in Alluri Sitarama Raju District. The Petitioner No.4/Accused No.4 is a permanent resident of Jagannadhapuram Village, Pathipadu Mandal, East Godavari District. Thus, all the Petitioners/Accused have a fixed place of abode.

7. The Petitioners/Accused Nos.1 to 4 were arrested on 27.11.2025 and have been in judicial custody for the past 201 days. During their judicial custody, no application was filed seeking custodial interrogation, and the period for custodial interrogation has already been completed. It would take a

considerable length of time for the learned Trial Court to take up the matter for trial and disposal. Keeping the Petitioners in judicial custody for such an indefinite period would not serve any purpose, inasmuch as the Accused are presumed to be innocent until their guilt is proved.

8. The **Hon'ble Apex Court in Prabhakar Tewari v. State of Uttar Pradesh**[1] at para No.7, observed that criminal antecedents or similar adverse antecedents cannot be the sole basis for refusal of bail.

9. Considering the facts and circumstances of the case, the nature and gravity of allegations levelled against the Petitioners/Accused Nos.1 to 4, this Court is inclined to enlarge the Petitioners/Accused Nos.1 to 4 on bail.

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

> i. The Petitioners/Accused Nos.1 to 4 shall be enlarged on bail, subject to each of them executing a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) with two sureties each for the like sum, to the satisfaction of the learned XV Additional Metropolitan Magistrate, Bheemunipatnam.
> ii. The Petitioners/Accused Nos.1 to 4 shall appear before the learned Trial Court on every adjournment and cooperate with the learned Trial Court for disposal of the matter.
> iii. The Petitioners/Accused Nos.1 to 4 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 to 4 shall not commit or indulge in commission of any offence in future.
> v. The Petitioners/Accused Nos.1 to 4 shall cooperate with the investigating officer in further investigation of the case and shall make themselves available for

[1] (2020) 11 SCC 648

interrogation by the investigating officer as and when required.

vi. The Petitioners/Accused Nos.1 to 4 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 or to any police officer.

vii. The Petitioners/Accused Nos.1 to 4 shall surrender their passport, if any, to the investigating officer. If their claim that they do not have passport, they shall submit an affidavit to that effect to the Investigating Officer.

DR. Y. LAKSHMANA RAO, J

Date: 16.06.2026
KMS

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 4560 of 2026

Date: 16.06.2026
KMS