

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE TWENTY FIRST DAY OF MARCH

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

→ ~~THE~~ HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

CRIMINAL PETITION NO: 2384 OF 2025



Between:

Marri Subbarao @ Subbu, S/o. Late Ramanna, aged about 69 years, R/o. Kolanubanda Village, Lothugedda Panchayat, Chinthapalli Mandal, Alluri Sitharama Raju District.

...Petitioner/Accused No.7

AND

The State of Andhra Pradesh, Rep by its Public Prosecutor, High Court of Andhra Pradesh

...Respondent

Petition under Sections 437 & 439 of Cr.P.C and Under Sections 480 & 483 of BNSS praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioner/Accused No.7 on bail pending disposal of Crime No.125/2021 of Payakaraopeta P.S., now Anakapalli District.

The Petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and upon hearing the arguments of SRI GOLLAPALLI MAHESWARA RAO, Advocate for the Petitioner, and of PUBLIC PROSECUTOR, for the Respondent;



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

[3369]

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TWO THOUSAND AND TWENTY FIVE

**PRESENT
THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO**

CRIMINAL PETITION NO: 2384/2025

Between:

Marri Subbarao @ Subbu

...PETITIONER/ACCUSED

AND

The State Of Andhra Pradesh

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. GOLLAPALLI MAHESWARA RAO

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following Order:

This Criminal Petition, u/Sec.480 & 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the petitioner/A7, seeking bail, in Crime No125/2021 of Payakaraopeta, Vishakhapatnam Rural.

2. A case has been registered against the petitioner for the offence punishable u/Sec. 20(b)(ii)(C) r/w Sec.8(c) of the Narcotic Drugs and Psychotropic Substances Act.

3. Heard learned counsel for the petitioner and the learned Assistant Public Prosecutor representing the respondent/State.

4. Case of the prosecution, in brief, is that, on 31.3.2021 at 15 hours, on credible information regarding illegal possession and transportation of ganja, the S.I of police along with his staff, rushed to NH-16, Nakkapalli to Tuni near Tandava Junction of Payakaraopeta Village and Mandal, they found six persons while conducting vehicle checking and they were in possession of 64 Kgs of ganja. Police arrested them, seized the ganja and got remanded the accused to judicial custody. A1 to A5 confessed that they purchased ganja from A6 who in turn purchased the same from A7. As such, the petitioner was arraigned as A7 in the present crime and got remanded to judicial custody on 22.11.2024.

5. Heard. Perused the record.

6. Learned counsel for the petitioner would submit that basing on the confession statements of A1 to A6, the name of the present petitioner was arrayed as an accused in the above said crime and nothing has been seized from the possession of the petitioner. The petitioner has been in judicial custody since 22.11.2024. By this time, most of the investigation might have completed and prays to grant bail to the petitioner.

7. Contra to the same, learned Public Prosecutor opposes to grant bail to the petitioner.

8. Considering the submissions made and on perusal of the material on record, it is noticed that basing on the confession statement of co-accused, the petitioner was arrayed as an accused and nothing was seized from the

possession of the petitioner, this Court is of the opinion that by this time most of the investigation might have been completed pertaining to the role played by the petitioner in the present crime. It is submitted that the petitioner has permanent abode and there is no possibility of their fleeing away from justice and most of the witnesses are official witnesses and the release of the petitioner would not cause tampering of evidence and hampering of investigation. As such, this Court is inclined to grant bail to the petitioner.

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

- (i) The petitioner/A7 herein shall be released on his executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the learned Hon'ble Additional Judicial First Class Magistrate, Yelamanchili, now Anakapalli District;
- (ii) On release, the petitioner shall appear before the Station House Officer concerned once in a month i.e. on every 2nd Sunday between 10.00 a.m. and 05.00 p.m., for a period of three (03) months.
- (iii) the petitioner shall not interfere in the investigation and they shall not cause tampering of evidence and hampering of investigation.

//TRUE COPY//

For ASSISTANT

SD/-B.CHITTI JOSEPH
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Additional Judicial First Class Magistrate, Yelamanchili, Now Anakapalli District
2. The Superintendent, Central Jail, Visakhapatnam, Visakhapatnam District
3. The Station House Officer, Payakaraopeta Police Station, Visakhapatnam Rural District
4. One CC to SRI. GOLLAPALLI MAHESWARA RAO Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
6. **One spare copy**

PSR

HIGH COURT

TMR,J

DATED:21/03/2025

BAIL ORDER

CRLP.No.2384 of 2025

ALLOWED

