



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

[3396]

WEDNESDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 2544/2026

Between:

1. BIRAJ KUMAR BEHARA, S/O UDAYANADH BEHARA, AGED 37 YEARS, R/O POLICE CAMP, DP CAMP, SUNABEDA, KORAPUT DISTRICT, ORISSA STATE.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, rep. By its Public Prosecutor, High Court of A.P., Amaravati, Through Station House Officer, Saluru Rural Police Station

...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 pleased to enlarge the Petitioner/ A.1 on Regular Bail in connection with Crime No.40/2025 on the file of Saluru Rural Police Station, dated: 07.05.2025 and pass

Counsel for the Petitioner/accused:

1. SRAVAN KUMAR NAIDANA

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 2544/2026****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.40/2025 on the file of Saluru Rural Police Station, dated: 07.05.2025, registered for the offences punishable under Section 20(b)(ii)(C) r/w 8(c) of Narcotic Drugs and Psychotropic Substances Act (for short “NDPS Act”).

2. The case of the prosecution, in brief, is that on 07.05.2025 at about 12:00 hours, the Sub-Inspector of Police, Salur Rural Police Station, along with his staff and mediators, proceeded to Dugdasagaram Village Junction for vehicle checking. At that time, a white car approached the spot and, on noticing the police, attempted to escape. The police chased the vehicle, whereupon the occupants abandoned the car and fled into the nearby fields. Upon inspection of the vehicle, the police allegedly found 183.800 kilograms of ganja packed in 86 packets, which was seized under the cover of a mediators' report. Based on the said seizure, the present crime was registered. During the course of investigation, acting on reliable information, the police apprehended Accused No.3, and on the basis of his alleged confession, the remaining accused were arrested.

3. Heard Sri Sravan Kumar Naidana, learned counsel for the petitioner and Mrs.K.Priyanka Lakshmi, learned Assistant Public Prosecutor on behalf of the State.

4. The learned counsel for the petitioner would submit that the petitioner herein is the accused No.1. The petitioner is innocent and is no way concerned with the alleged offence. He has been falsely implicated in this case. No contraband was seized from the possession of the petitioner herein. The petitioner has been in judicial custody since, 03.10.2025. Learned counsel for the petitioner would further submit that, though, statutory period is already over, no report has been filed before the Special Court till date. Learned counsel further submits that the petitioner undertakes to strictly adhere to any conditions that may be imposed by this Court.

5. Learned Assistant Public Prosecutor would submit that the statutory period has been completed and no report has been filed before the learned Special Court by the concerned and no petition is filed by the concerned Public Prosecutor seeking extension of the period of judicial custody up to one year by indicating progress of the investigation. She would further submit that the Court may pass appropriate orders.

6. Considering the submissions made and on perusal of the material on record, since the statutory period has been completed and no report has been filed before the Special Court by the prosecution till date, this Court is inclined to enlarge the petitioner/Accused No. 1 on bail.

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

i. The petitioner/Accused No. 1 shall be enlarged on bail on executing bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties for the like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Salur.

ii. The petitioner/Accused No. 1 shall not commit or indulge in commission of any offence in future.

iii. The petitioner/Accused No. 1 shall cooperate with the investigating officer in further investigation of the case and shall make himself available for interrogation by the Investigating Officer as and when required.

iv. The petitioner/Accused No. 1 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.

v. The petitioner/Accused No. 1 shall surrender his passport, if any, to the concerned Court. If he claims that he does not have a passport, he shall submit an affidavit to that effect to the concerned Court.

vi. The petitioner/Accused No. 1, shall appear before the concerned Station House Officer, once in a week i.e., on every Saturday between 10:00 am and 05:00 pm, till filing of charge sheet.

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

DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 15.04.2026.

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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Dt.15.04.2026

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