



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

[3396]

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

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 2914/2026

Between:

1. BIRUDUKOTA PRASANNA KUMAR,, S/O. B. SANTHA RAO, HINDU,
AGED 24 YEARS, R/O. 5-7/8-43/1, 8TH LANE, JAMBULAMMA
TEMPLE, CHITTI NAGAR, K.L. RAO NAGAR, VIJAYAWADA-520001,
A.P. AADHARNO. 782462028341

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC
PROSECUTOR, THROUGH MOOTHUGUDEM POLICE STATION,
HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT
AMARAVATI, GUNTUR DISTRICT, A.P.

...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 1
Petitioner/Accused No. 2 on Regular Bail in Crime No. 47 of 2024, on the file
of the SHO, Mothugudem Police Station, ASR District and release the
Petitioner/Accused No. 2 on such terms and conditions, and pass such

Counsel for the Petitioner/accused:

1. M KISHORE BABU

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION No. 2914 of 2026****ORDER:**

This Criminal Petition, under Sections 480 and 483 of the BNSS, has been filed by the Petitioner herein/Accused No.2, seeking regular bail, in Crime No. 47 of 2024, on the file of the SHO, Mothugudem Police Station, ASR District, registered for the offences punishable under Sections 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 15.06.2024 at about 09.30 AM, opposite to Mothugudem Police Station, Chintru Mandal, while the police are conducting vehicle checking, A1 to A3 were trying to transport 7 Kgs of Ganja on a motor cycle. The police have apprehended the A3 and seized 7 Kgs of Ganja. Basing on the confession statement of the A3, the petitioner herein is arrayed as A2.

3. Heard Sri M.Kishore Babu, learned counsel for the petitioner and Mrs.K.Priyanka Lakshmi, learned Assistant Public Prosecutor representing 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. The petitioner has been in judicial custody since 11.10.2025. The contraband involved in the present crime is of 7 Kgs of

Ganja, which is a non-commercial quantity. It is further submitted that the statutory period is over. He would further submit that the petitioner is arrayed as Accused No.2 basing on the confession statement of the co-accused and no contraband was seized from the possession of the petitioner. 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 on behalf of the State vehemently opposed the petition and contended that the investigation is still pending and the contraband involved in the present case is 7 Kgs of Ganja. She would further submit that no report was filed before the learned Special Court by the learned Public Prosecutor concerned seeking for extension period of judicial custody of the petitioner by indicating the progress of investigation and the specific reasons for the detention of the accused beyond the initial period.

6. 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 has been in judicial custody since 11.10.2025, the fact that the contraband involved in the present crime is only 7 Kgs of Ganja, that the statutory period is over and no report has been filed before the Special Court by the prosecution, this Court is inclined to enlarge the petitioner/accused No.1 on bail with the following conditions;

- i. The petitioner/accused No.2, shall execute personal bond for a sum of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties for a

like sum each, to the satisfaction of the learned Judicial First Class Magistrate, Rampachodavaram.

- ii. The petitioner/accused No.2, shall appear before the Investigating Officer as and when required and shall cooperate with further investigation, if any.
 - iii. The petitioner/accused No.2, shall not directly or indirectly tamper with evidence nor influence, intimidate, or induce any prosecution witness.
 - iv. The petitioner/accused No.2, 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 further orders.
 - v. The petitioner/accused No.2, shall not commit or indulge in commission of any offence in future.
 - vi. The petitioner/accused No.2, 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.
7. In the event of violation of any of the above conditions, the prosecution shall be at liberty to seek cancellation of bail.
8. It is also made clear that the observations made in this order are only for the purpose of deciding the bail application and they shall not be construed as opinion on the merits of the Crime.
9. Accordingly, this Criminal Petition is allowed.

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

DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 22.04.2026.

Note: Issue CC today,

B/o.

UPS

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 2914/2026

Dt.22.04.2026

Note: Issue CC today,
B/o.
UPS