

APHC010313752025



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

[3521]

MONDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 6460/2025

Between:

Saketi Durga Prasad and others

...PETITIONER/ACCUSED(S)

AND

The State of Andhra Pradesh

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

Pulapalli Babji

Counsel for the Respondent/complainant:

Public prosecutor

The Court made the following:

ORDER:

The Criminal Petition has been filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.)/ Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the petitioners/Accused Nos.1 and 2 on regular bail in Cr.No.84 of 2025 of II Town Police Station, Visakhapatnam District, registered against the petitioners/Accused Nos.1 and 2 herein for the offence punishable

under Sections 20(b)(ii)(C), read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. The case of the prosecution is that on 17.04.2025, the Sub-Inspector of II Town Police Station, on credible information about the illegal possession and transportation of ganja, secured the presence of mediators and rushed towards opposite to LIC Building, beside Central Park parking areas, Visakhapatnam. The police noticed two persons with a white color bag under suspicious circumstances and on seeing the police, they tried to skulk away. The Sub-Inspector of Police apprehended the petitioners and found in their possession 1.615 KGs of Ganja seized them under a mediators' report and arrested them.

3. Heard learned counsel for the petitioners and the learned Assistant Public Prosecutor.

4. Sri Pulapalli Balaji, the learned counsel for the petitioners, submits that the petitioners have not committed any offence; they were falsely implicated in this case; they are sole bread winners of their family; they are ready to abide any conditions to be imposed by this Court; and urged to enlarge the petitioners on bail.

5. *Per contra*, Mr. Neelotphal Ganji, the learned Assistant Public Prosecutor, submits that the petitioners were found in possession of 1.615 KGs of Ganja, which is a non-commercial quantity. However, it is submitted

that there are no adverse antecedents against the petitioners, and requested to pass appropriate orders.

6. Perused the record.

7. As seen from the record, the petitioners have been in the judicial custody for the past 95 days. The learned Assistant Public Prosecutor fairly conceded that there are no adverse antecedents against the petitioners. The charge sheet is not yet filed by the investigating officer.

8. Keeping into consideration the number of days the petitioners have been in judicial custody, the nature of the allegations levelled against them, and their alleged role in the case, this Court is inclined to enlarge the petitioners on bail with certain stringent conditions.

9. This Court is of the opinion that if certain stringent conditions are imposed on the petitioners for securing their presence before the learned Trial Court for trial, the interest of justice would be met.

10. In the result, the criminal petition is allowed with the following conditions:

- i. The petitioners shall be enlarged on bail subject to them executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), each with two sureties for the like sum each to

the satisfaction of the learned II Additional Chief Judicial Magistrate, Visakhapatnam.

ii. The petitioners shall appear before the Station House Officer, II Town Police Station, Visakhapatnam, on every Saturday in between 10:00 am and 05:00 pm, till the conclusion of the Trial.

iii. The petitioners shall not leave the limits of the District without prior permission from the learned Trial Judge.

iv. The petitioners shall not commit or indulge in similar offences in future.

v. The petitioners shall cooperate with the investigating officer in further investigation of the case and shall be available to the investigating officer as and when called by him.

DR. Y. LAKSHMANA RAO, J

Date: 21.07.2025
KMS

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION No.6460 of 2025

Date: 21.07.2025

KMS