

Date of reserved for orders : Nil
Date of pronouncement : 02.07.2026
Date of uploading :

APHC010319462026



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

[3521]

THURSDAY, THE 2nd DAY OF JULY 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 5114/2026

Between:

1.MYNAM SWAMI SHEKHAR ALIAS SHEKHAR, S/O. SRINU, AGED ABOUT 21 YEARS,R/O. CHAMMACHINTA VILLAGE AND PANCHAYAT,NATHAVARAM MANDAL, ANAKAPALLI DISTRICT, A.P.

...PETITIONER/ACCUSED No.1

AND

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

...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:

The 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 Petitioner/Accused No.1 on bail in Crime No.50 of 2025 of

Koyyuru Police Station, Alluri Sitharama Raju District, registered against the Petitioner/Accused No.1 herein for the offences punishable under Sections 111(2)(b) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS') and Section 20(b)(ii)(C), 25 read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. Sri Gollapalli Maheswara Rao, the learned Counsel for the Petitioner/Accused No.1 submits that the Petitioner is innocent, has been falsely implicated, and no contraband was seized from his possession. It is contended that the prosecution case is founded solely on the alleged confessional statement of co-accused, which is inadmissible in law in view of **Toofan Singh v. State of Tamil Nadu**¹. It is further submitted that the mandatory procedure under Sections 52 and 52A of 'the NDPS Act.,' was not followed while drawing the samples, rendering the prosecution case doubtful. The Petitioner has been in judicial custody for more than 207 days, the investigation is substantially complete, and there is no likelihood of tampering with the evidence. Therefore, it is prayed that the Petitioner/Accused No.1 be enlarged on bail.

3. *Per contra*, Mr.K.Sandeep, the learned Assistant Public Prosecutor vehemently opposed the grant of bail to the Petitioner, submitting that the investigation is still underway and several material witnesses remain to be examined. It is contended that if the Petitioner is released on bail at this stage, there is a strong likelihood that he may abscond, thereby hampering the

¹ (2021) 4 SCC 1

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 Petitioner and the learned Assistant Public Prosecutor. Perused the record.

5. As seen from the record, no adverse antecedents of any kind have been reported against the Petitioner, who is arrayed as Accused No.4. It is alleged that the Petitioner, along with the other accused, was involved in dealing with 37 kgs of ganja, which constitutes a commercial quantity. Upon completion of the investigation, the charge sheet was filed on 17.04.2026, i.e., on the 147th day from the date of arrest. Accused No.4 in this crime has already been enlarged on bail by this Court vide order dated 29.06.2026 in Crl.P.No.4732 of 2026. The Petitioner was arrested on 21.11.2025. He has been in judicial custody for the past 223 days. The Petitioner is a young man aged 21 years. As stated supra, he has no criminal antecedents. He is a permanent resident of Chammachintha Village and Panchayat, Nathavaram Mandal, Anakapalli District. He has got fixed abode. Since the investigation has been completed and the charge sheet has already been filed, there is no likelihood of the Petitioner tampering with the prosecution evidence or hampering the trial.

6. Considering the facts and circumstances of the case, the nature and gravity of allegations levelled against the Petitioner/Accused No.1, this Court is inclined to enlarge the Petitioner/Accused No.1 on bail with some stringent conditions.

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

- i. The Petitioner/Accused No.1 shall be enlarged on bail subject to his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for the like sum each to the satisfaction of the learned Judicial First Class Magistrate, Chintapalli.
- ii. The Petitioner/Accused No.1 shall appear before the learned Trial Court on each adjournment without fail and cooperate with the learned Trial Court for completing the trial.
- iii. The Petitioner/Accused No.1 shall not leave the limits of the State of Andhra Pradesh without prior permission from the Station House Officer concerned.
- iv. The Petitioner/Accused No.1 shall not commit or indulge in commission of any offence in future.
- vi. 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.
- vii. The Petitioner/Accused No.1 shall surrender his passport, if any, to the Investigating Officer. If he claims that he does not have passport, he shall submit an affidavit to that effect to the Investigating Officer.

DR. Y. LAKSHMANA RAO, J

Date: 02.07.2026
PRA

Whether the order is :

Speaking Yes/No / Recorded Yes/No

Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 5114 of 2026

Date: 02.07.2026
PRA