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APHC010320492026



**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: 5133/2026

Between:

1. GEMEL SUBARAO ALIAS SUBBARAO, S/O. RELI, AGED ABOUT 38 YEARS, R/O. JULIPADU VILLAGE, JEERA POST, PADWA P.S., CHATUA P, NANDAPUR BLOCK, KORAPUT DISTRICT, ODISHA STATE.

...PETITIONER/ACCUSED

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. KOLLI USHA KIRANMAYEE

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.7 on bail in Crime No.24 of 2026 of Dumbriguda Police Station, ASR District, registered against the Petitioner/Accused No.7 herein for the offences punishable under Sections 20(b)(ii)(B), 25 read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

3. Mr. Ramineni Sudheer, the learned counsel for the Petitioner, submits that the Petitioner is innocent of the alleged offence and he has been falsely implicated by the police. It is further submitted that the Petitioner is the sole earning member of the family and, therefore, his incarceration would cause undue hardship to his dependents. The Petitioner undertake to strictly adhere to any conditions that may be imposed by this Court. In light of the foregoing submissions, learned counsel prays that the present petition be allowed in the interest of justice.

4. *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

ongoing investigation and evading the process of law. In view of the foregoing submissions, it is urged that the petition be dismissed.

5. Heard the learned counsel for the Petitioner and the learned Assistant Public Prosecutor. Perused the record.

6. As seen from the record, the Petitioner is arraigned as Accused No.7. The allegation against the Petitioner is that he was transporting the seized ganja. The role of the Petitioner has come to light solely on the basis of the confessional statements of Accused Nos.1 to 6. The contraband allegedly seized from Accused Nos.1 to 6 amounts to 6.00 kilograms, which is of non-commercial quantity. Accused Nos.1 to 6 have already been enlarged on bail by this Court vide order dated 16.06.2026 in CrI.P. Nos.4569 and 4573 of 2026. The Petitioner was arrested on 18.04.2026. He has been in judicial custody for the past 75 days. So far, eight witnesses have been examined, all of whom are official witnesses. Substantial portion of the investigation has been completed, and the filing of the charge sheet remains a mere formality. The Petitioner/Accused No.7 is a permanent resident of Odisha State. He has got fixed abode. If the Petitioner is enlarged on bail subject to stringent conditions, there is no likelihood of his interfering with the investigation, threatening witnesses, or tampering with evidence.

7. Considering the facts and circumstances of the case, the nature and gravity of allegations levelled against the Petitioner/Accused No.7, this Court

is inclined to enlarge the Petitioner/Accused No.7 on bail with some stringent conditions.

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

- i. The Petitioner/Accused No.7 shall be enlarged on bail subject to him executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for the like sum each to the satisfaction of the learned Judicial First Class Magistrate, Araku Valley, Visakhapatnam.
- ii. The Petitioner/Accused No.7 shall appear before the Station House Officer concerned, on every Saturday in between 10:00 am and 05:00 pm, till filing of the charge sheet.
- iii. The Petitioner/Accused No.7 shall not commit or indulge in commission of any offence in future.
- iv. The Petitioner/Accused No.7 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.
- v. The Petitioner/Accused No.7 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.

vi. The Petitioner/Accused No.7 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 / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 5133 of 2026

Date: 02.07.2026
PRA