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APHC010328302026



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

[3521]

WEDNESDAY, THE 8th DAY OF JULY 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 5251/2026

Between:

MULAJANGI ESWARA RAO, S/O APPARAO, AGED 38 YEARS,R/O
MIKLDPUT VILLAGE, SANTHABAYALA KUMADA,BUSIPIIT POST,
MIMCHARIGIPIITTII, ASR DISTRICT.

...PETITIONER/ACCUSED

AND

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

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

DASARI RAMAKOTESWAR RAO

Counsel for the Respondent/complainant:

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.2 on bail in Crime No.153 of 2026 of Bhimunipatnam Police Station, Visakhapatnam District, registered against the Petitioner/Accused No.2 herein for the offences punishable under Sections 20(b)(ii)(B) read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. Mr.D.Ramakoteswara Rao, 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. He is a law-abiding citizen. The petitioner undertakes to strictly adhere to any conditions that may be imposed by this Court. In light of the foregoing submissions, the learned counsel prays that the present petition be allowed in the interest of justice.

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

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, the petitioner is arraigned as Accused No.2. There are no adverse antecedents in similar cases. The FIR was registered on 08.05.2026. The petitioner was arrested on 08.05.2026 and is in judicial custody for the past 61 days. The seized contraband is below commercial quantity. So far, five witnesses have been examined. They are all official witnesses. Accused Nos.3 to 5 were enlarged on bail by this Court *vide* order dated 16.06.2026 in Crl.P.No.4519 of 2026. Accused No.1 was enlarged on bail by this Court *vide* order dated 30.06.2026 in Crl.P.No.4886 of 2026. The petitioner may not be in a position to threaten the official witnesses or tamper with the evidence. The petitioner is permanent resident of ASR District. He has got fixed abode. No application has been filed seeking custodial interrogation of the petitioner. A substantial portion of the investigation has been completed. If the petitioner is enlarged on bail with some stringent conditions, the interests of justice would be sub-served.

6. Considering the facts and circumstances of the case, the nature and gravity of allegations levelled against the Petitioner/Accused No.2, this Court is inclined to enlarge the Petitioner/Accused No.2 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.2 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 for the like sum each to the satisfaction of the learned XV Additional Judicial First Class Magistrate at Bheemunipatnam.
- ii. The Petitioner/Accused No.2 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.2 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.2 shall not commit or indulge in commission of any offence in future.
- v. The Petitioner/Accused No.2 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.

vi. The Petitioner/Accused No.2 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.2 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: 08.07.2026
RSI

Whether the order is:

Speaking		Reasoned	
Reportable		Non-reportable	

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 5251 of 2026

Date: 08.07.2026
RSI