



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

[3521]

WEDNESDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 7855/2025

Between:

Kammella Srikrishna Chaitanya Varma

...PETITIONER/ACCUSED

AND

The State of Andhra Pradesh

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

Aishwarya Nagula

Counsel for the Respondent/complainant:

Public Prosecutor

The Court made the following:

ORDER:

Criminal Petition has been filed under Section 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the Petitioner/Accused No.3 on bail in Crime No.141 of 2025 of III Town Police Station, Visakhapatnam, registered against the Petitioner/Accused No.3 herein for the offences punishable under Sections 111(2) of BNS, 20(b), 21(b) 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 05.07.2025 at 03:45 hours, the Sub-Inspector of Police received a reliable tip-off from the Eagle team about the illegal transportation of Narcotic Drugs and Psychotropic Substances. He immediately proceeded to the spot along with his staff to apprehend the drug peddlers and mediators. Upon reaching the said location, they took one person into custody and questioned him about the source of the drugs. He confessed that he addicted to vices such as smoking, consuming alcohol, and using cocaine, and that he used to buy drugs from Accused No.2. He further stated that he later got acquainted with one Prince from Delhi. As usual, four days ago, he made a WhatsApp call to the said Prince and requested him to send 25 grams of cocaine. Accordingly, Prince sent a South African national named Thomos Djimon, who usually brought the drugs to the said location from New Delhi. On this occasion, he brought 25 grams of cocaine for Rs. 3,60,000/-. The Sub-Inspector of Police then searched the accused and seized 7 packets containing 25 grams of cocaine, Rs. 3,60,000/-, one car, three mobile phones, and one iPhone 11 from his possession for the purpose of investigation.

3. Heard learned counsel for the Petitioner and the learned Public Prosecutor.

4. Sri K. Chidambaram, the learned senior counsel for the Petitioner, submits that the Petitioner has not committed any offence; he was falsely implicated in this case; he is the sole bread winner of his family; he is ready to abide any conditions to be imposed by this Court. It is further submitted that Section 27A of 'the Act,' would not be made applicable, as in the mediators report there is a mere mention that an amount of Rs.65,000/- was taken from the petitioner, which does not fall under phraseology of financing the illicit traffic. It is further submitted that the petitioner was taken into police custody and was interrogated. The confession of Accused No.1 implicating Accused No.3 would not have any bearing on the decision of the present criminal petition seeking grant of bail, as per the judgement of Hon'ble Apex Court in **P. Krishna Mohan Reddy v. State of Andhra Pradesh**¹. Hence, it is urged to enlarge the petitioner on bail as he has been in the judicial custody for more than one month.

5. *Per contra*, Ms.P. Akhila Naidu, the learned Assistant Public Prosecutor, opposed in granting bail stating that investigation is not yet completed. If the petitioner is granted bail, he will not be available for the investigation. It is further submitted that the lending of money by Accused No.3 to Accused No.1 would fall under the provision of Section 27A of 'the Act'. As the accusation is well founded, the petitioner is not entitled for any relief at this stage, and it is urged to dismiss the petition.

¹2025 SCC Online SC 1157

6. Perused the record.

7. As seen from the record, it is alleged that Accused No.1 gave a confession against the Accused No.3 that he borrowed an amount Rs.65,000/-. However, it does not say that the petitioner had intentionally or deliberately or dishonestly financed Accused No.1 for the purchase of 25 grams of cocaine, which is not a commercial quantity. The applicability of Section 27A of 'the Act,' is a matter to be decided during trial by the learned Special Judge. The petitioner was already taken into police custody for a period of 3 days, during which necessary information was elicited from him. The petitioner was arrested on 07.07.2025. Has been in the judicial custody for the past one month. All the witnesses are official witnesses. Substantial portion of the investigation is completed, except receipt of the analysis report. Of course, the main accused have to be arrested. Even on a bare perusal of the mediators' report, it indicates that the continued confinement of the petitioner/Accused No.3 in judicial custody is not warranted, particularly in view of the fact that he is not the person who allegedly purchased the contraband from the main accused. The petitioner is a doctor by profession, has a fixed place of residence, and is a permanent resident of Visakhapatnam. If the petitioner is enlarged on bail with stringent conditions, there is no likelihood of he threatening witnesses, who are all official witnesses, or interfering with the investigation, since the crucial part of the investigation has already been completed.

8. Considering the facts and circumstance of the case, nature and gravity of the case, the role allegedly played by the Petitioner/Accused No.3 and the period of detention undergoing by the Petitioner/Accused No.3, this Court deems fit it to enlarge the petitioner on pre-arrest bail.

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

- i. The Petitioner/Accused No.3 shall be enlarged on bail subject to he executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only), with two sureties for the like sum each to the satisfaction of the learned IV Additional Chief Judicial Magistrate, Visakhapatnam.
- ii. The Petitioner/Accused Nos.3 shall appear before the Station House Officer, III Town Police Station, Visakhapatnam, on every Saturday in between 10:00 am and 05:00 pm, till the conclusion of the Trial.
- iii. The Petitioner/Accused No.3 shall not leave the limits of the District without prior permission from the Investigating Officer.
- iv. The Petitioner/Accused Nos.3 shall not commit or indulge in similar offences in future.
- v. The Petitioner/Accused No.3 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.

vii. The petitioner/Accused No.3 shall surrender his passport, if any, to the investigating officer. If he claims that he does not have a passport, he shall submit an affidavit to that effect to the Investigating Officer

DR. Y. LAKSHMANA RAO, J

Date: 06.08.2025

Note:

Issue C.C today

B/o

KMS

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION No.7855 of 2025

Date: 06.08.2025

KMS