



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

[3521]

THURSDAY, THE FOURTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8210/2025

Between:

1. KANHU PRASAD MISHAL, S/O RAGHUNATH MISHAL, F/30, Z.A.
COLONY, MALKANJIRI, ODISHA

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, Through Station House Officer,
Prohibition and Excise Station, Nellore-II, SPSR Nellore District Rep., by
its Public Prosecutor, High Court at Amaravathi.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. P NAGENDRA REDDY

Counsel for the Respondent/complainant:

1. 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 petitioner/Accused No.3 on bail in Cr.No.101 of 2025 of Prohibition and Excise Station, Nellore-II, Nellore District, registered against the petitioner/Accused No.3 herein for the offences punishable under Section 8(c) read with 20 (b) (ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. The case of the prosecution is that on the instructions of the A.C. Enforcement, Nellore, the Inspector of Prohibition and Excise Station, Nellore-II, conducted a vehicle check at Venkatachalam Toll Plaza around 7:00 A.M. During the check, a suspicious Odisha-registered car was found parked near a "Do Not Litter" board. Upon questioning the driver and inspecting the vehicle, the Inspector found three white plastic bags in the car's dicky. Each bag contained brown packets emitting a strong smell of ganja. The first bag had 100 packets (25 kg), the second had 62 packets (15.5 kg), and the third had 30 packets (7.5 kg), totaling 192 packets and 48 kg of dry ganja. On inquiry, the driver (A1) revealed that one Balaram Dali (A5) from Odisha gave him the ganja to transport

to Tirupati, promising Rs.50,000/- for transportation and providing Rs.20,000/- in advance. A1, along with his wife (A2), brother (A3), and friend (A4), traveled from Odisha and halted at the toll plaza the previous night. The Inspector seized the 48 kg of ganja, three mobile phones (belonging to A1, A3, and A4), Rs.5,000/- in cash, and an Ertiga car (Reg. No. OD 30 E 5055) and arrested the Accused Nos.1 to 4.

3. Sri P.Nagendra Reddy, the learned counsel for the petitioner contends that the petitioner is innocent of the alleged offence and has been falsely implicated by the police. The petitioner undertakes to strictly adhere to any conditions that may be imposed by this Court, and prays that the petition be allowed in the interest of justice.

4. *Per contra*, Ms.P.Akhila Naidu, 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 she may abscond, thereby hampering the ongoing investigation and evading the process of law. In view of the foregoing, 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 mediators' report, the petitioner being the brother of Accused No.1 was in the car, no other allegations are attributed to Accused No.3. Applicability of Section 29 of the 'NDPS Act.', is highly doubtful. Accused No.1 was transporting the ganja in a car. This Court in Crl.P.No.7930 of 2025 on 06.08.2025 enlarged the petitioner therein, who is wife of Accused No.1 on bail. The petitioner herein was arrested on 05.06.2025 and he has been in judicial custody for the past 70 days.

7. Considering the period of detention undergone by the petitioner in judicial custody for the past 70 days, the nature and gravity of allegation levelled against the petitioner herein, and his alleged role played in this case, this Court is inclined to enlarge the petitioner on bail with the following stringent conditions:

- i. The petitioner/Accused No.3 shall be enlarged on bail subject to he executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties for the like sum each to the satisfaction of the learned Special Judicial Magistrate of First Class for Trial of Prohibition and Excise offences, Nellore.

ii. The petitioner/Accused No.3 shall not leave the limits of the District without prior permission from the Station House Officer concerned.

iii. The petitioner/Accused No.3 shall not commit or indulge in commission of any offence in future.

iv. The petitioner/Accused No.3 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.3 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 or to any police officer.

8. Accordingly, the Criminal Petition is allowed.

DR. Y. LAKSHMANA RAO, J

Date: 14.08.2025
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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION No.8210 of 2025