



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

[3521]

THURSDAY, THE 10th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 6999/2026

Between:

1. PADALAM KHARA ALIAS PANGI PADAMLAM ALIAS NIRANJAN ALIAS
INDRAJIT, S/O. LATE MASIYA KHARA, AGED ABOUT 27 YEARS, R/O.
TALGUDA VILLAGE, CHATUWA PANCHAYAT, NANDAPUR MANDAL,
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. BOOSARA V N PRAVEEN KUMAR

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

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.3 on bail in Crime No.78 of 2024 of IV Town Police Station, Visakhapatnam Commissionerate, registered for the alleged 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.Boosara V N Praveen Kumar, learned Counsel for the Petitioner, submits that the Petitioner is innocent of the alleged offence and 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 undertakes to strictly adhere to any conditions that may be imposed by this Court. Hence, it is urged to allow the Criminal Petition.

3. *Per contra*, Mr.Neelotpal Ganji, the learned Assistant Public Prosecutor vehemently opposed the grant of bail to the petitioner and submitted that, though the charge sheet has already been filed, the accusations against the Petitioner are well founded. Hence, it is urged to dismiss the Criminal Petition.

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

5. On perusal of the record, the Petitioner is arraigned as Accused No.3 in this case arising out of the FIR registered on 29.03.2024. The Petitioner was arrested on 13.07.2026 pursuant to the execution of a PT warrant and has

been in judicial custody for the past 59 days. The allegation against the Petitioner is that he was involved in dealing with 5 kilograms of ganja, which is not a commercial quantity.

6. Though the learned Assistant Public Prosecutor submits that there is one adverse similar adverse antecedent reported against the Petitioner, it is well-settled that the Petitioner is presumed innocent until proven guilty. The Hon'ble Apex Court in **Prabhakar Tewari v. State of Uttar Pradesh**¹ at para No.7, observed that mere pendency of criminal antecedents itself is not a ground to deny the request for grant of bail.

7. After thorough investigation, a charge sheet was filed on 18.11.2025, which has been numbered as NSC No.634 of 2025. The Petitioner 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.

8. Having regard to the facts and circumstances of the case, the nature and gravity of the allegations levelled against the Petitioner/Accused No.3, this Court is inclined to enlarge the Petitioner/Accused No.3 on bail subject to stringent conditions.

¹ (2020) 11 SCC 648

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

- i. The Petitioner/Accused No.3 shall be enlarged on bail subject to his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for the like sum each to the satisfaction of the learned I Additional District and Sessions Judge, Visakhapatnam.
- ii. The Petitioner/Accused No.3 shall appear before the learned Trial Court on each and every adjournment without fail.
- iii. The Petitioner/Accused No.3 shall not leave the limits of the District without prior permission from the learned Trial Court concerned.
- iv. The Petitioner/Accused No.3 shall not commit or indulge in commission of any offence in future.
- 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.
- vi. The Petitioner/Accused No.3 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: 10.09.2026
PRA/VMM

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 6999 of 2026

Date: 10.09.2026
PRA