



**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: 7719/2026

Between:

1. ISWAR GUJJAR, S/O UDARAM GUJJAR, AGE 27 YEARS, R/O RATAN PURA, NIMBEHARA JATAN POST, RAIPUR TANA, BHILWARA DISTRICT, RAJASTHAN STATE.
2. MOHAMMAD SALMAN, S/O MOHAMMAD SALMAN, AGE 30 YEARS, R/O MANGARI MOHALLA, WARD NO. 15, DELANA RURAL, GANGAPUR TANA, BHILWARA DISTRICT, RAJASTHAN STATE.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, SHO, Kasimkota Rural P.S., Srikakulam Represented by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati, Guntur District.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1. ANAND KUMAR KOCHIRI

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 Petitioners/Accused Nos.1 and 2 on bail in Crime No.123 of 2026 of Kasimkota Police Station, Anakapalli, registered for the alleged offences punishable under Sections 303(2) of the Bharatiya Nyaya Sanhita, 2023 (for brevity, 'the BNS') and Sections 20(b)(ii)(B) and 25 read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

2. Mr.Anand Kumar Kochiri, learned Counsel for the Petitioners, submits that the Petitioners are innocent of the alleged offence and have been falsely implicated by the police. It is further submitted that the Petitioners are the sole earning members of their families and, therefore, their incarceration would cause undue hardship to their dependents. The Petitioners undertake 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 Petitioners, submitting that the investigation is still underway and several material witnesses remain to be examined. It is contended that if the Petitioners are released on bail at this stage, there is a strong likelihood that they may abscond, thereby hampering

the ongoing investigation and evading the process of law and urged to dismiss the Petition.

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

5. On perusal of the record, the Petitioners are arraigned as Accused Nos.1 and 2 in this case. The Petitioners were arrested on 08.06.2026 and have been in judicial custody for the past 94 days. There are no criminal adverse antecedents reported against the Petitioners. The allegation against the Petitioners is that they were found in possession and transportation of 8 kilograms of ganja, which is not a commercial quantity. So far, five material witnesses have been examined, and a substantial portion of the investigation concerning the Petitioners' alleged role has been completed.

6. The Petitioners are permanent residents of Rajasthan State. They have got fixed abode. If the Petitioners are enlarged on bail subject to stringent conditions, there is no likelihood of their interfering with the investigation, threatening witnesses, or tampering with evidence.

7. Having regard to the facts and circumstances of the case, the nature and gravity of the allegations levelled against the Petitioners/Accused Nos.1 and 2, this Court is inclined to enlarge the Petitioners/Accused Nos.1 and 2 on bail subject to stringent conditions.

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

- i. The Petitioners/Accused Nos.1 and 2 shall be enlarged on bail subject to their 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 II Additional Junior Civil Judge-cum-XII Additional Metropolitan Magistrate, Anakapalli.
- ii. The Petitioners/Accused Nos.1 and 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 Petitioners/Accused Nos.1 and 2 shall not commit or indulge in commission of any offence in future.
- iv. The Petitioners/Accused Nos.1 and 2 shall cooperate with the Investigating Officer in further investigation of the case and shall make themselves available for interrogation by the Investigating Officer as and when required.
- v. The Petitioners/Accused Nos.1 and 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.
- vi. The Petitioners/Accused Nos.1 and 2 shall surrender their passports, if any, to the Investigating Officer. If they claim that they do not have passports, they shall submit affidavits 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: 7719 of 2026

Date: 10.09.2026
PRA