

APHC010516052025



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

[3521]

THURSDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10119/2025

Between:

- 1.KALAPADI JOHN BLASON, S/O. VIJAY KUMAR,AGED ABOUT 25 YEARS,R/O. BERIPET, NAIDUPETA TOWN,TIRUPATHI DISTRICT,ANDHRA PRADESH.
- 2.REDDY HARSHAVARDHAN, ,S/O. SREENIVASULU,AGED ABOUT 24 YEARS,R/O. SIRI FURNITURE STREET, NAIDUPETA TOWN,TIRUPATHI DISTRICT,ANDHRA PRADESH.
- 3.ARAVA SELVAM ALIAS GURU, S/O. MUNUSWAMY,AGED ABOUT 62 YEARS,R/O. SIRI FURNITURE STREET, NAIDUPETA TOWN,TIRUPATHI DISTRICT,ANDHRA PRADESH.

...PETITIONER/ACCUSED(S)

AND

THE STATE OF ANDHRA PRADESH, SHO, Naidupeta Urban Police Station,Rep. by its Public Prosecutor,Fligh Court of Andhra Pradesh,f Amaravati.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

BHOOMA MAHARSHI REDDY

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 Petitioners/Accused Nos.1, 3 & 5 on bail in Crime No.274 of 2025 of Naidupeta Urban Police Station, Tirupati District, was registered against the Petitioners/Accused Nos.1, 3 & 5 herein for the offences punishable under Section 8 (c) read with 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

CASE OF THE PROSECUTION:

2. The case of the prosecution is that on 26.08.2025 at about 16:00 hours, in the forest area of Sreenivasapuram, Naidupet Mandal, Accused Nos.1 to 6 were found in possession of cannabis leaves intended for clandestine sale. On receipt of credible information and upon the request of the police, the complainant, accompanied by mediators and the Woman Sub-Inspector of Police, conducted a raid, apprehended Accused Nos.1 to 6, and seized six packets containing a total of 11.5 kgs of cannabis (ganja), worth Rs.2,30,000/- from their possession under the cover of a mahazarnama duly attested by the mediators. Accused No.7, Thanoj of Rajahmundry, and Accused No.8, Narasimha of Rajahmundry, who are alleged to be suppliers of ganja, are absconding.

CONTENTIONS OF THE COUNSEL FOR THE PETITIONER:

3. Sri Bhooma Maharshi Reddy, learned Counsel for the Petitioners submit that the Petitioners are innocents of the alleged offence and they have been falsely implicated in the alleged offence, without any cogent evidence linking them to the commission of the crime. It is contended that the Petitioners are the sole breadwinners of the family and their arrest would cause undue hardship and prejudice to their dependents. The Petitioners undertake to abide by any condition that this Court may impose while granting bail to the Petitioners.

4. It is further submitted that the Petitioners have a permanent place of residences and there is no likelihood of their absconding or evading the process of law. The Petitioners have cooperated with the investigation thus far and assures continued cooperation in future proceedings. It is also urged that the allegations are of a nature that do not warrant further custodial detention, and if any condition is imposed while granting the bail, Petitioners would not violate it; and it is urged to allow the Petition.

ARGUMENTS OF THE STATE:

5. *Per contra*, Ms.P.Akhila Naidu, learned Assistant Public Prosecutor strenuously opposed to grant of bail and prosecution further apprehend that the Petitioners, if released, may influence or intimidate witnesses, thereby obstructing the course of justice. It is also urged that there exists a real and

imminent risk of the Petitioners absconding and evading the due process of law. Given the gravity of the allegations and the potential threat to the progress of the investigation, it is submitted that the Petitioners do not deserve the discretionary relief of bail and it is urged to dismiss the bail petition.

6. Thoughtful consideration is bestowed on the arguments advanced by the learned Counsel for both sides. I have perused the entire record.

POINT FOR CONSIDERATION:

7. In the light of the case of the prosecution and the contentions of the learned Counsel for both the sides, now the point for consideration is:

“Whether the Petitioners are entitled for grant of bail?”

ANALYSIS:

8. As seen from the record, the allegation against the Petitioners/Accused Nos.1, 3 & 5 are that they had allegedly indulged in dealing with 11.5 kgs of ganja, which is not a commercial quantity. The petitioners were arrested on 26.08.2025. They have been in the judicial custody for the past 44 days. The petitioners are the permanent residents of Naidupeta Town, Tirupati District, and they have got fixed abode. So far, four witnesses have been examined. The material portion of the investigation, insofar as the petitioners are concerned, is completed. All the witnesses are official witnesses. The chances of the petitioners threatening the witnesses, hampering the investigation, or

tampering with the evidence may not arise. The learned Assistant Public Prosecutor submits that there are no similar adverse antecedents against the petitioners.

9. Considering the period of detention undergone by the Petitioners/Accused Nos.1, 3 & 5, the nature and gravity of allegations levelled against the Petitioners/Accused Nos.1, 3 & 5, and their alleged role played in the case, this Court is inclined to enlarge the Petitioners/Accused Nos.1, 3 & 5 on bail with the following stringent conditions:

- i. The Petitioners/Accused Nos.1, 3 & 5 shall be enlarged on bail subject to they executing personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties each for the like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Naidupet.
- ii. The Petitioners/Accused Nos.1, 3 & 5 shall appear before the Station House Officer concerned, on every Saturday in between 10:00 am and 05:00 pm, till cognizance is taken by the learned the Trial Court.
- iii. The Petitioners/Accused Nos.1, 3 & 5 shall not leave the limits of the State of Andhra Pradesh without prior permission from the Station House Officer concerned.

iv. The Petitioners/Accused Nos.1, 3 & 5 shall not commit or indulge in commission of any offence in future.

v. The Petitioners/Accused Nos.1, 3 & 5 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.

vi. The Petitioners/Accused Nos.1, 3 & 5 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.

10. Accordingly, the Criminal Petition is allowed.

DR. Y. LAKSHMANA RAO, J

Date: 09.10.2025

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10119 OF 2025

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