

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI



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

:PRESENT:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10106 OF 2025

Between:

Dola Sai @ Boggu Sai, Kobbarithota Sai, K.T.Sai, S/o Ramana late, Age 27 years, Thatichetlapalem, NH-16, Santhoshimatha Colony, Indiramma Colony, III Floor, Visakhapatnam.

...Petitioner/Sole Accused

AND

The State of Andhra Pradesh, Through Station House Officer, Arilova Police Station, Rep. by its Public Prosecutor, High Court of Andhra Pradesh, Amaravathi, Guntur District.

...Respondent/Complainant

Petition under Section 480 & 483 of BNSS & 437 & 439 of Cr.P.C, is filed praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to release the petitioner on Bail in connection with Crime No. 337 of 2025 on the file of the Arilova Police Station.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Ms. Bandi Praveena, Advocate for the Petitioner and of Public Prosecutor for Respondent, the Court made the following

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 Petitioner/Accused on bail in Crime No.337 of 2025 of Arilova Police Station, Visakhapatnam District, was registered against the Petitioner/Accused herein for the offences punishable under Section 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 16.08.2025 at about 19:30 hours, on receipt of credible information regarding the illegal possession and transportation of ganja, the Sub-Inspector of Police, Arilova Police Station, along with his staff and mediators, rushed to Fish Market, Thotagaruvu, Arilova, Visakhapatnam, and found the accused. On seeing the police, the accused attempted to escape but was apprehended. During the investigation, the accused disclosed their address particulars, and based on their confessional statements, the police seized dry leaves, stems, and flowers emitting the smell of ganja. A packet of ganja weighing 2.00 kgs was seized under the cover of a mediator's report

CONTENTIONS OF THE COUNSEL FOR THE PETITIONER:

3. Ms.Bandi Praveena, learned Counsel for the Petitioner submits that the Petitioner is innocent of the alleged offence and he has been falsely implicated in the alleged offence, without any cogent evidence linking him to the commission of the crime. It is contended that the Petitioner is the sole breadwinner of his family and his arrest would cause undue hardship and prejudice to his dependents. The Petitioner undertakes to abide by any condition that this Court may impose while granting bail to the Petitioner.

4. It is further submitted that the Petitioner has a permanent place of residence and there is no likelihood of his absconding or evading the process of law. The Petitioner has 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, Petitioner 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 Petitioner, 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 Petitioner 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 Petitioner does 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 Petitioner is entitled for grant of bail?"

ANALYSIS:

8. As seen from the record, the allegation against the petitioner/Accused is that he was allegedly indulged in dealing with 2.00 kgs of ganja, which is not a commercial quantity. The petitioner was arrested on 16.08.2025. He has been in judicial custody for the past 53 days. The petitioner is a permanent resident of Santhoshimatha Colony, Indiramma Colony, III Floor, Visakhapatnam, and has a fixed abode. So far, five witnesses have been examined. The material portion of the investigation, insofar as the petitioner is concerned, is completed. All the witnesses are official witnesses. The chances of the petitioner threatening the witnesses, hampering the investigation, or tampering

with the evidence may not arise. The period for custodial interrogation is also completed. The learned Assistant Public Prosecutor submits that there are seven IPC offences against the petitioner.

9. Be that as it may, in view of the substantial portion of the investigation having been completed, if the petitioner is enlarged on bail, no prejudice would be caused to the prosecution.

10. Considering the period of detention undergone by the Petitioner/Accused, the nature and gravity of allegations levelled against the Petitioner, and his alleged role played in the case, this Court is inclined to enlarge the Petitioner/accused on bail with the following stringent conditions:

- i. The Petitioner/Accused shall be enlarged on bail subject to he executing a personal 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 Chief Judicial Magistrate, Visakhapatnam.
- ii. The petitioner/Accused 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 petitioner/Accused shall not leave the limits of the State of Andhra Pradesh without prior permission from the Station House Officer concerned.
- iv. The petitioner/Accused shall not commit or indulge in commission of any offence in future.
- v. The petitioner/Accused 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.
- vi. The Petitioner/Accused 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.

11. Accordingly, the Criminal Petition is allowed.

//TRUE COPY//

SD/- M.SRINIVAS
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Metropolitan Sessions Judge-cum-I Additional District by Sessions Judge-Special Judge for Trial of Offences under NDPS Act, at Visakhapatnam.
2. The Chief Judicial Magistrate, Visakhapatnam.
3. The Superintendent, Central Prison, Visakhapatnam.
4. The Station House Officer, Arilova Police Station, Visakhapatnam.
5. One CC to Ms. Bandi Praveena, Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court of A.P., Amaravati.[OUT]
7. One spare copy.

PSD

HIGH COURT

DR.YLR,J

DATE:09/10/2025

BAIL ORDER

CRLP.No.10106 of 2025

ALLOWED

