

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE TENTH DAY OF OCTOBER,
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10241 OF 2025

Between:

Sangadala Rajesh, S/o. Srinu, aged 21 years, R/o. Door No. 1-2-6,
Agraharam, Pithapuram Mandal, Kakinada District, Andhra Pradesh.

...Petitioner/Accused No.1

AND

The State of Andhra Pradesh, Represented by its Public Prosecutor, High Court of Andhra Pradesh, High Court Buildings at Nelapadu, Guntur District, Andhra Pradesh. [SHO, III Town Police Station, Kakinada, Kakinada District].

...Respondent/Complainant

Petition under Sections 480 & 483 of BNSS, 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 grant bail to the Petitioner/Accused No. 1 in connection with Crime No. 97/2025 dated 08.07.2025 on the file of the SHO, III Town Police Station, Kakinada, Kakinada District (East Godavari District), Andhra Pradesh.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri Chetan Ponnuru, Advocate for the Petitioner and of Public Prosecutor for Respondent, the Court made the following



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AT AMARAVATI
(Special Original Jurisdiction)

[3521]

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PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10241 OF 2025

Between:

SANGADALA RAJESH, S/O. SRINU, AGED 21 YEARS, R/O. DOOR NO.
1-2-6, AGRAHARAM, PITHAPURAM MANDAL, KAKINADA DISTRICT,
ANDHRA PRADESH.

...PETITIONER/ACCUSED

AND

THE STATE OF ANDHRA PRADESH, Represented by its Public
Prosecutor, High Court of Andhra Pradesh, High Court Buildings at
Nelapadu, Guntur District, Andhra Pradesh. SHO, III Town Police Station,
Kakinada, Kakinada District

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. CHETAN PONNURU

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following Order :

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 No.1 on bail in Crime No.97 of 2025 of III

Town Police Station, Kakinada, Kakinada District, registered against the Petitioner/Accused No.1 herein for the offence 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').

CASE OF THE PROSECUTION:

2. Material averments stemming from the prosecution are that on 08.07.2025 at about 6.30 p.m, on receipt of credible information, the S.H.O of Police along with other officials reached to Maddi Lakshmi godowns at Venkateswara Nagar, Kakinada Urban and there noticed the Accused No.1 to 5 and on seeing the Police party, the Accused No.1 to 5 tried to abscond, the Police on inspection seized 4 Kgs ganja from the Accused and registered above case.

CONTENTIONS OF THE COUNSEL FOR THE PETITIONER:

3. Sri Chetan Ponnuru, learned Counsel for the Petitioner submits that the Petitioner is innocent and has been falsely implicated in the alleged offence, and that there is no *prima facie* material or cogent evidence connecting the Petitioner to the commission of the crime. It is further contended that the Petitioner is the sole earning member of his family and that his incarceration would result in grave hardship and irreparable prejudice to his dependents. The Petitioner undertakes to comply with any condition that this Hon'ble Court may deem fit and proper to impose while considering the prayer for grant of bail.

4. It is further submitted that the Petitioner is a permanent resident of Agraharam, Pithapuram Mandal, Kakinada District and there exists no apprehension of his absconding or evading the due process of law. The Petitioner has extended full cooperation in the course of investigation and undertakes to continue such cooperation in all future proceedings. It is also urged that the nature of the allegations does not necessitate custodial interrogation, and that the imposition of appropriate conditions would suffice to secure the ends of justice. In view of the foregoing, it is urged to allow the petition.

ARGUMENTS OF THE STATE:

5. *Per contra*, Ms. P. Akhila Naidu, learned Assistant Public Prosecutor has vehemently opposed the prayer for bail, asserting that the investigation is at a nascent and critical stage, with several material witnesses yet to be examined. It is submitted that the premature enlargement of the Petitioner on bail would be inimical to the sanctity and efficacy of the ongoing investigative process and may engender deliberate non-cooperation on the part of the Petitioner. The prosecution further raises an apprehension that, if released, the Petitioner may exert undue influence upon, or intimidate, prosecution witnesses, thereby impeding the administration of justice and vitiating the evidentiary foundation of the case. It is also contended that there exists a palpable and imminent risk of the Petitioner absconding, thereby frustrating the due process of law.

6. In view of the gravity and allegations, coupled with the potential threat posed to the integrity of the investigation, it is submitted that the Petitioner is not entitled to the indulgence of discretionary relief and it is urged to dismiss the present Criminal Petition.

POINT FOR CONSIDERATION:

7. In view of the rival submissions advanced by both the learned Counsel and upon a perusal of the prosecutorial narrative, the pivotal issue now meriting for consideration is:

"Whether the Petitioner is entitled for grant of bail?"

ANALYSIS:

8. The Petitioner with the aid of the other Accused had indulged in dealing with 4 Kgs of ganja. The Petitioner was found in possession of 1 Kg of ganja, which is neither a quantity, is a commercial quantity. The Petitioner was arrested on 08.07.2025. He has been in judicial custody for the past 94 days. So far, 5 witnesses are examined, they are all official witnesses. Substantial portion of investigation in so far as alleged role of the Petitioner is concerned is completed. The Petitioner is a permanent resident of resident of Agraharam, Pithapuram Mandal, Kakinada District. He has got fixed abode. Chances of the Petitioner either threatening the witnesses or tampering the evidence or hampering the investigation may not arise. Learned Assistant Public Prosecutor submits that the Petitioner was involved in a similar offence vide Crime No. 197 of 2023. Mere pendency of criminal cases against the

Petitioner is not a sole ground for rejecting the request for grant of regular or pre-arrest bail as per the judgment of the Hon'ble Apex Court in ***Prabhakar Tiwari v. State of U.P. and others***¹. The Petitioner shall be presumed to be innocent till the guilt is proved.

CONCLUSION:

9. Considering the nature and gravity of allegation levelled against the Petitioner, his alleged role played in this case, and the period of detention undergone by the Petitioner, this Court is inclined to enlarge the Petitioner/ Accused No.1 on bail with the following stringent conditions:

- i. The Petitioner/Accused No.1 shall be enlarged on bail subject to his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties each for the like sum each to the satisfaction of the learned IV Additional Judicial Magistrate of First Class, Kakinada.
- ii. The Petitioner/Accused No.1 shall appear before the Station House Officer, III Town Police Station, Kakinada, Kakinada District, 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 No.1 shall not leave the limits of the State of Andhra Pradesh without prior permission from the Station House Officer concerned.

¹ 2020 (11) SCC 648

iv. The Petitioner/Accused No.1 shall not commit or indulge in commission of any offence in future.

v. The Petitioner/Accused No.1 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 No.1 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.

vii. The Petitioner/Accused No.1 shall surrender his passport, if any, to the investigating officer. If he claims that he do not have a passport, he shall submit an affidavit to that effect to the Investigating Officer.

10. Accordingly, the Criminal Petition is allowed.

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SD/-B.CHITTI JOSEPH
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Special Sessions Judge for Trial of the cases under the Narcotic Drugs and Psychotropic Substances Act 1985 cum-I Additional Sessions Judge, East Godavari District, Rajamahendravaram.
2. The IV Additional Judicial Magistrate of First Class, Kakinada.
3. The Superintendent, Central Jail, Rajamahendravaram.
4. The Station House Officer, III Town Police Station, Kakinada, Kakinada District (East Godavari District).
5. One CC to Sri Chetan Ponnuru, Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court of A.P., Amaravati.[OUT]
7. One spare copy

HIGH COURT

DR.YLR,J

DATE:10/10/2025

BAIL ORDER

CRLP.No.10241 of 2025

ALLOWED

