

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: 10187 OF 2025



Between:

1. Raja Pandi, S/o.Bosu, Aged about 38 years, R/o.Puchampatti Village,Karamathuru Panchayat,Usalampati Thaluka, Madurai District, Tamilnadu State,
2. Bhaskaran Ochappan, S/o.Ochappam,Aged about 35 years,R/o.Samathuvapuram Village,Karamathuru Panchayat,Usalampati Thaluka, Madurai District,Tamilnadu State.

... Petitioner/Accused No.1 and 2

AND

1. The State of Andhra Pradesh, Through Station House Officer, Prohibition and Excise Police Station, Ongole, Prakasam District. Rep., by its Public Prosecutor, High Court at Amaravathi.

Respondent/Complainant

Petition under Sections 480 and 483 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 Petitioners on bail in Crime No.92/2025 on the file of the Prohibition and Excise Police Station, Ongole in the interest of justice.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of P Nagendra Reddy, Advocate for the Petitioners and the PUBLIC PROSECUTOR Advocate for the Respondent 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 and 2 on bail in Crime No.92 of 2025 of Prohibition and Excise Police Station, Ongole District, registered against the Petitioner/Accused Nos. 1 and 2 herein for the offence punishable under Section 8(c) read with 20(b)(ii)(B) 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 04.09.2025 at about 1.30 p.m, on receipt of credible information, the Police along with mediators conducted raids at behind the Rail Coach Canteen, outside the Railway Station, Ongole and found the Accused with two bags. On search, it was found 5 packets contained ganja in form of dried green leaves, stalks, flowering and fruiting tops, seeds and weighing about 10 Kgs of dry ganja. The same was seized in the presence of the Mediators and registered the above case.

CONTENTIONS OF THE COUNSEL FOR THE PETITIONER:

3. Sri P. Nagendra Reddy, learned Counsel for the Petitioners submits that the Petitioners are innocents and have been falsely implicated in the alleged offence, and that there is no *prima facie* material or cogent evidence connecting the Petitioners to the commission of the crime. It is further

contended that the Petitioners are the sole earning members of their family and that his incarceration would result in grave hardship and irreparable prejudice to his dependents. The Petitioners undertake 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 Petitioners are a permanent resident of Samathuvapuram Village, Usalmpati Thaluk, Madurai District, Tamilnadu and there exists no apprehension of his absconding or evading the due process of law. The Petitioners have 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 Petitioners 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 Petitioners. The prosecution further raises an apprehension that, if released,

the Petitioners 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 Petitioners 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 Petitioners are 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 Petitioners are entitled for grant of bail?"

ANALYSIS:

8. The allegation against the Petitioners/ Accused No.1 and 2, on perusal of the record is that they had allegedly indulged in dealing with 10 Kgs of ganja, it is not a commercial quantity. The Petitioners were arrested on 04.09.2025. They have been in judicial custody for the past 36 days. There are no criminal similar adverse antecedents reported against the Petitioners. So far four witnesses are examined. They are all official witnesses.

Substantial portion of investigation in far as alleged role of the Petitioners are concerned is completed. Chances of the Petitioners either threatening the witnesses or tampering the evidence or hampering the investigation may not arise. The Petitioners are permanent residents of Samathuvapuram Village, Usalmpati Thaluk, Madurai District, Tamilnadu. They have got fixed abode. They may not flee away from the clutches of the law, if such stringent conditions are imposed while enlarging the Petitioners on bail would meet the ends of principles of natural justice.

CONCLUSION:

9. Considering the nature and gravity of allegation levelled against the Petitioners, their alleged role played in this case, and the period of detention undergone by the Petitioners, this Court is inclined to enlarge the Petitioners on bail 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.10,000/- (Rupees ten thousand only), with two sureties each for the like sum each to the satisfaction of the learned Special Judicial Magistrate of First Class for Excise, Ongole.
- ii. The Petitioners/Accused Nos. 1 and 2 shall not commit or indulge in commission of any offence in future.
- iii. 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.

iv. 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 or to any police officer.

v. 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 an affidavit to that effect to the Investigating Officer.

10. Accordingly, the Criminal Petition is allowed.

//TRUE COPY//

SD/-B.CHITTI JOSEPH
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Special Judicial Magistrate of First Class for Excise, Ongole.
2. The Special Court Designated for trial of Offences under the Narcotics Drugs & Psychotropic Substances Act-cum-I Additional District Judge & Sessions Judge, Prakasam District at Ongole.
3. The Superintendent, District Jail, Ongole.
4. The Station House Officer, State of Andhra Pradesh, Prohibition and Excise Police Station, Ongole, Prakasam District. (1 to 4 by RPAD)
5. One CC to Sri. P Nagendra Reddy Advocate [OPUC]
6. Two CCs to Public Prosecutor, High Court of Andhra Pradesh [OPUC]
7. One spare copy.

HIGH COURT

DR.YLR,J

DATED:10/10/2025

BAIL ORDER

CRLP.No.10187 of 2025

ALLOWED

