

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE EIGHTH DAY OF OCTOBER,

TWO THOUSAND AND TWENTY FIVE



:PRESENT:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10255 OF 2025

Between:

Madeba Khemundu @ Mahadev, S/o. Rama Khemundu, aged about 33 years, R/o. Hatasuku, Kumargandhana, Lamtaput, Koraput District, Odisha State.

Petitioner/Accused No.2

AND

The State of Andhra Pradesh, Rep by its Public Prosecutor, High Court of Andhra Pradesh.

Respondent

Petition under Section 437 & 439 of Cr.P.C/ 480 & 483 of BNSS., is filed praying that in the circumstances stated in the grounds filed in support of the CriminalPetition, the High Court may be pleased to enlarge the Petitioner/Accused No.2 on bail pending disposal of Crime No.74/2025 of Visakhapatnam Railway P.S., Visakhapatnam.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. GOLLAPALLI MAHESWARA RAO, Advocate for the Petitioner and of PUBLIC PROSECUTOR, for the 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 No.2 on bail in Crime No.74 of 2025 of Visakhapatnam Railway Police Station, Visakhapatnam District, was registered against the Petitioner/Accused No.2 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 26.02.2025, on receipt of credible information regarding the illegal possession and transportation of ganja, the ASI of Police, Visakhapatnam Railway Police Station, along with his staff and mediators, rushed to near Gate No.4, Platform No.8 of Visakhapatnam Railway Station. The police noticed a person carrying a bag suspiciously, and on seeing the police, the person attempted to escape. The Sub-Inspector, along with his staff, apprehended the accused. During the investigation, the accused disclosed his address particulars, and based on his confession, the police seized 8.00 kgs of ganja under the cover of a mediator's report. The petitioner was implicated as Accused No.2 in the said crime based on the confession of Accused No.1. Hence, the report.

CONTENTIONS OF THE COUNSEL FOR THE PETITIONER:

3. Sri G.Maheswara Rao, 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 No.2 is that he was allegedly indulged in dealing with 8.00 Kgs of ganja, which is not a commercial quantity. The role of the petitioner came into based on the confession of Accused No.1. The petitioner was arrested on 13.09.2025. He has been in judicial custody for the past 25 days. The petitioner is a permanent resident of Hatasuku, Kumargandhana, Lamtaput, Koraput District, Odisha State, and he has got fixed abode. So far, nine witnesses have been examined, all of whom are official witnesses. The material portion of the investigation, insofar as the petitioner is concerned, is completed. The

chances of the petitioner threatening the witnesses, hampering the investigation, or tampering with the evidence may not arise.

9. Considering the period of detention undergone by the Petitioner/Accused No.2, 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 No.2 on bail with the following stringent conditions:

i. The Petitioner/Accused No.2 shall be enlarged on bail subject to he executing a personal 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 VI Additional Judicial Magistrate of First Class Magistrate for Railways-cum- VI Additional Civil Judge Court, Visakhapatnam.

ii. The petitioner/Accused No.2 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 No.2 shall not leave the limits of the District without prior permission from the Station House Officer concerned.

iv. The petitioner/Accused No.2 shall not commit or indulge in commission of any offence in future.

v. The petitioner/Accused No.2 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.

v. The Petitioner/Accused No.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.

10. Accordingly, the Criminal Petition is allowed.

SD/- T. SRINIVASA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VI Additional Judicial Magistrate of First Class Magistrate for Railways-cum-VI Additional Civil Judge Court, Visakhapatnam.
2. The I Additional District & Sessions Judge – Special Judge for Trial of Offences under NDPS Act, Visakhapatnam, Visakhapatnam District.
3. The Superintendent, Central Jail, Visakhapatnam, Visakhapatnam District.
4. The Station House Officer, Visakhapatnam Railway P.S., Visakhapatnam.
5. One CC to Sri. GOLLAPALLI MAHESWARA RAO, Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh, Amaravati. [OUT]
7. One spare copy

HIGH COURT

DR.YLR, J

DATED:08/10/2025

BAIL ORDER

CRLP.No.10255 of 2025

ALLOWED

