**APHC010526372025**

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI** **[3521]**
**(Special Original Jurisdiction)**

WEDNESDAY,THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**

**CRIMINAL PETITION NO: 10271/2025**

**Between:**

PADAL DANIEL, S/O. BHIMANA, AGED ABOUT 20 YEARS,R/O. CHANDAKA VILLAGE, SOPUT, DEOPOTANGIPOST, KORAPUT DISTRICT, ODISHA STATE,PRESENTLY RESIDING AT BURJA VILLAGE, POTTANGL BLOCKKORAPUT DISTRICT, ODISHA STATE.

**...PETITIONER/ACCUSED**

**AND**

THE STATE OF ANDHRA PRADESH, Rep by its Public Prosecutor,High Court of Andhra Pradesh.

**...RESPONDENT/COMPLAINANT**

**Counsel for the Petitioner/accused:**

ADAPA SUDHAKAR RAO

**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 Petitioner/Accused No.2 on bail in Crime No.110 of 2025 of Salur Town Police Station, Parvathipuram Manyam District, was registered against the Petitioner/Accused No.2 herein for the offences punishable under Section 20(b)(ii)(C) read with 8 (c) 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, on receipt of credible information regarding the illegal possession and transportation of ganja, the Sub-Inspector of Police, Salur Police Station, along with his staff and mediators, rushed to B.T. Road, opposite Old BSNL Office Junction, Salur Town, and conducted vehicle checking. The police noticed two persons on a motorcycle coming towards them, and on seeing the police, the persons attempted to escape. The police apprehended the two accused. During the investigation, the accused Nos.1 and 2 disclosed their address particulars, and based on their confession statements, the police seized 5.060 kgs of ganja under the cover of a mediator's report.

**CONTENTIONS OF THE COUNSEL FOR THE PETITIONER:**

3. Sri Adapa Sudhakar 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 bailand 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 5.060 Kgs of ganja with the assistance of the other accused. The petitioner was arrested on 26.08.2025. He has been in judicial custody for the past 43 days. The petitioner is a permanent resident Burja Village, Pottangi Block, Koraput District, Odisha State, and he has got fixed abode. So far, five 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. The learned Assistant Public Prosecutor submits that there are no adverse antecedents reported against the petitioner.

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 Judicial Magistrate of First Class, Salur, Vizianagaram District.

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.

**DR. Y. LAKSHMANA RAO, J**

Date: 08.10.2025
RSI

**THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**

**CRIMINAL PETITION NO: 10271 OF 2025**

**08.10.2025**

RSI