

APHC010537452025



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

[3521]

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

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10460/2025

Between:

1. SHIVA PRASAD MISHAL, S/O.RAGHUNATH MISAL, AGED ABOUT 27 YEARS, R/O.F/31, Z.A.COLONY, MALKANJIRI, ODISHA-764045.
2. BUDU PANGI, S/O.LADA PANGI, AGED ABOUT 20 YEARS, R/O.TENTULIPADAR, NAKAMMUDI, MALKANJIRI, ODISHA-764045.

...PETITIONER/ACCUSED(S)

AND

THE STATE OF ANDHRA PRADESH, Through Station House Officer, Prohibition and Excise Station, Nellore-II, SPSR Nellore District Rep., by its Public Prosecutor, High Court at Amaravathi.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

P NAGENDRA REDDY

Counsel for the Respondent/complainant:

PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition has been filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.)/ Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the petitioners/Accused Nos.1 and 4 on bail in Cr.No.101 of 2025 of Prohibition and Excise Station, Nellore-II, Nellore District, registered against the petitioners/Accused Nos.1 and 4 herein for the offences 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').

2. The case of the prosecution is that on the instructions of the A.C. Enforcement, Nellore, the Inspector of Prohibition and Excise Station, Nellore-II, conducted a vehicle check at Venkatachalam Toll Plaza around 7:00 A.M. During the check, a suspicious Odisha-registered car was found parked near a "Do Not Litter" board. Upon questioning the driver and inspecting the vehicle, the Inspector found three white plastic bags in the car's dicky. Each bag contained brown packets emitting a strong smell of ganja. The first bag had 100 packets (25 kg), the second had 62 packets (15.5 kg), and the third had 30 packets (7.5 kg), totaling

192 packets and 48 kg of dry ganja. On inquiry, the driver (A1) revealed that one Balaram Dali (A5) from Odisha gave him the ganja to transport to Tirupati, promising Rs.50,000/- for transportation and providing Rs.20,000/- in advance. A1, along with his wife (A2), brother (A3), and friend (A4), traveled from Odisha and halted at the toll plaza the previous night. The Inspector seized the 48 kg of ganja, three mobile phones (belonging to A1, A3, and A4), Rs.5,000/- in cash, and an Ertiga car (Reg. No. OD 30 E 5055) and arrested A1 to A4.

3. Sri P.Nagendra Reddy, the learned counsel for the petitioners contend that the petitioners are innocent of the alleged offence and they have been falsely implicated by the police. It is further submitted that the petitioners are the sole earning members of the family and, therefore, their incarceration would cause undue hardship to their dependents. The petitioners undertake to strictly adhere to any conditions that may be imposed by this Court. In light of the foregoing submissions, learned counsel prays that the present petition be allowed in the interest of justice.

4. Per contra, Ms.P.Akhila Naidu, the learned Assistant Public Prosecutor vehemently opposed to grant bail to the petitioners, submitting that the investigation is still underway and several material

witnesses remain to be examined. It is contended that if the petitioners are released on bail at this stage, there is a strong likelihood that they may abscond, thereby hampering the ongoing investigation and evading the process of law. In view of the foregoing submissions, it is urged that the petition be dismissed.

5. Heard the learned counsel for the petitioners and the learned Assistant Public Prosecutor. Perused the record.

6. The learned counsel for the petitioners seeks permission to withdraw the petition insofar as it relates to Petitioner No.1/Accused No.1. Hence, the petition is dismissed against the Petitioner No.1/Accused No.1.

7. As seen from the record, this Court in Crl.P.No.7930 of 2025 *vide* order dated 06.08.2025 enlarged Accused No.2 on bail on the ground that Accused No.2 is the wife of Accused No.1, who was in the car in which 48.00 Kgs of ganja was allegedly transported by Accused No.1. Similarly, this Court in Crl.P.No.8210 of 2025 *vide* order dated 14.08.2025 enlarged Accused No.3 on bail on the ground that Accused No.3 is the brother of Accused No.1, who was in the car, and no other allegation was levelled against Accused No.3. Likewise, Petitioner No.2/Accused No.4 is a friend of Accused No.3, who is the brother of

Accused No.1. Except the allegation that Petitioner No.2/Accused No.4 was in the car, no specific role was attributed to him. The Petitioner No.2/Accused No.4 was arrested on 05.06.2025 and he has been in judicial custody for the past 141 days. So far, seven witnesses have been examined, all of whom are official witnesses. The material portion of the investigation in respect of the alleged role played by Petitioner No.2/Accused No.4 is substantially completed. The chances of the petitioner threatening the witnesses, hampering the investigation, or tampering with the evidence may not arise.

8. Considering the facts and circumstances of the case, the nature and gravity of allegations levelled against the Petitioner No.2/Accused No.4, this Court is inclined to enlarge the Petitioner No.2/Accused No.4 on bail with the following stringent conditions:

- i. The Petitioner No.2/Accused No.4 shall be enlarged on bail subject to he executing a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties for the like sum each to the satisfaction of the learned Special Judicial Magistrate of First Class for Trial of Prohibition and Excise, Nellore.
- ii. The Petitioner No.2/Accused No.4 shall appear before the Station House Officer concerned, on every

Saturday in between 10:00 am and 05:00 pm, till filing of the charge sheet.

iii. The Petitioner No.2/Accused No.4 shall not leave the limits of the State of Andhra Pradesh without prior permission from the Station House Officer concerned.

iv. The Petitioner No.2/Accused No.4 shall not commit or indulge in commission of any offence in future.

v. The Petitioner No.2/Accused No.4 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.

vi. The Petitioner No.2/Accused No.4 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.

9. In the result, the Criminal Petition is partly allowed.

DR. Y. LAKSHMANA RAO, J

Date: 24.10.2025
RSI

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10460 OF 2025

24.10.2025