

[3521]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE TWELFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO
CRIMINAL PETITION NOS: 11818& 11819 OF 2025



CRIMINAL PETITION NO: 11818 OF 2025

Between:

Nethetti Appalaraju, S/o Rammurthy, Age 56 years, Occ: Coolie, R/o. 26-6-6/5, Prasad Gardens, Near Satyanarayana Plaza, Puma Markat, Viaskhapatnam, Andhra Pradesh.

Petitioners/Accused No.2

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor at High Court of A.P, through S.H.O. Proh. & Excise Police Station Ongole, Prakasham District.

Respondent/Complainant

Petition under Sections 480 & 483 of BNSS (Old Sections 437 & 439 of Cr.P.C), praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to enlarge/release the petitioner herein on bail in Crime No.71/2025 on the file of Proh. & Excise Police Station, Ongole, Prakasham District registered under sections 8(c) R/w 20 (b) (ii) (c) of NDPS Act;

CRIMINAL PETITION NO: 11819 OF 2025

Between:

Vadisela Mohan Rao, S/o Appa Rao, Age 42 years, Occ: Coolie, R/o. 26-5-115, Prasad Gaedens, Old Bus Stand, Visakhapatnam, Andhra Pradesh.

Petitioner/Accused No.1

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor at High Court of A.P., through S.H.O. Proh. & Excise Police Station, Ongole, Prakasham District.

Respondent/Complainant

Petition under Sections 480 & 483 of BNSS (Old Sections 437 & 439 of Cr.P.C), praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to enlarge/release the petitioner herein on bail in Crime No.71/2025 on the file of Proh. & Excise Police Station, Ongole, Prakasham District registered under sections 8(c) R/w 20 (b)(ii)(c) of NDPS Act.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri V NITESH, Advocate for the Petitioner in Both Crlp 11818 & 11819 of 2025 and of PUBLIC PROSECUTOR for the Respondent, the Court made the following.



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

[3521]

FRIDAY, THE TWELFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION Nos: 11818 & 11819 of 2025

1.Crl.P.No.11818 of 2025

Between:

NETHETTI APPALARAJU, S/O RAMMURTHY, AGE 56 YEARS, OCC-
COOLIE, R/O. 26-6-6/5, PRASAD GARDENS, NEAR SATYANARAYANA
PLAZA, PUMA MARKAT, VIASKHAPATNAM, ANDHRA PRADESH.

...PETITIONER/ACCUSED

AND

THE STATE OF ANDHRA PRADESH, Rep. by its Public Prosecutor at
High Court of A.P, through S.H.O. Proh. Excise Police Station Ongole,
Prakasham District.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

V NITESH

Counsel for the Respondent/complainant:

PUBLIC PROSECUTOR

2.Crl.P.No.11819 of 2025

Between:

VADISELA MOHAN RAO, S/O APPA RAO, AGE 42 YEARS, OCC-
COOLIE, R/O. 26-5-115, PRASAD GAEDENS, OLD BUS STAND,
VISA KHAPATNAM, ANDHRA PRADESH.



...PETITIONER/ACCUSED

AND

THE STATE OF ANDHRA PRADESH, Rep. by its Public Prosecutor
at High Court of A.P., through S.H.O. Proh. Excise Police
Station, Ongole, Prakasham District.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

V NITESH

Counsel for the Respondent/complainant:

PUBLIC PROSECUTOR

The Court made the following:

COMMON ORDER:

These two Criminal Petitions are heard and disposed of by way of this common order as they arise out of same crime but the Petitioners are different.

2. The Criminal Petitions have 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 & 2 on bail in Crime No.71 of 2025 of Prohibition & Excise Police Station, Ongole, Prakasam District, registered against the Petitioners/Accused Nos.1 & 2 herein for the offences punishable under Sections 8(c) read with 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

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

4. The allegations against the Petitioners/Accused Nos.1 and 2 are that they were found in possession of 44.00 Kgs of Ganja. Accused No.1 was allegedly found in possession and transportation of 18.00 Kgs of Ganja, and Accused No.2 was allegedly found in possession and transportation of 26.00 Kgs of Ganja. The petitioners were arrested on 14.06.2025. They have been in judicial custody for the past 181 days. The learned Assistant Public Prosecutor submits that no application was filed seeking extension of remand by the learned Trial Court. There are no similar adverse criminal antecedents reported against the petitioners. The petitioners were spot-arrested. So far, six witnesses have been examined, and they are all material witnesses. Substantial portion of the investigation with respect to the alleged role played by the petitioners is completed.

5. The petitioners are permanent residents of Visakhapatnam District. They have got fixed abode. All the witnesses are official witnesses, and therefore the petitioners may not venture to threaten the witnesses or tamper the evidence. The period of custodial interrogation is also completed. Of course, no application was filed seeking custodial interrogation of the petitioners. The petitioners have been in judicial custody for more than the statutory period of 180 days as contemplated under Section 36A(4) of the NDPS Act.

6. Section 36A(4) of 'the NDPS Act' states that if the investigation is not completed within 180 days, the Petitioners/Accused Nos.1 & 2 have an



indefeasible right to bail, unless the Special Court extends the period up to one year on the report of the Public Prosecutor, indicating the progress of the investigation and specific reasons for the detention of the accused beyond the initial period.

7. Considering the facts and circumstances of the case, the nature and gravity of allegations levelled against the Petitioners/Accused Nos.1 & 2, this Court is inclined to enlarge the Petitioners/Accused Nos.1 & 2 on bail.

8. In the result, these two Criminal Petitions are allowed with the following stringent conditions:

- i. The Petitioners/Accused Nos.1 & 2 shall be enlarged on bail subject to them executing bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each, with two sureties each for the like sum each to the satisfaction of the learned Special Judicial First Class Magistrate Court for Excise, Ongole.
- ii. The Petitioners/Accused Nos.1 & 2 shall not leave the limits of the State of Andhra Pradesh without prior permission from the Station House Officer concerned.
- iii. The Petitioners/Accused Nos.1 & 2 shall not commit or indulge in commission of any offence in future.
- iv. The Petitioners/Accused Nos.1 & 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.

- v. The Petitioners/Accused Nos.1 & 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.

//TRUE COPY//

SD/-U.SRI DEVI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Special Court Designated for trial of Offences under the Narcotics Drugs & Psychotropic Substances Act-Cum-I Additional District & Sessions Judge, Prakasam District at Ongole
2. The Special Judicial First Class Magistrate Court for Excise, Ongole
3. The Superintendent, District Jail, Ongole
4. The Station House Officer, Proh. & Excise Police Station, Ongole, Prakasham District
5. One CC to SRI. V NITESH Advocate [OPUC]
6. Two CCs to Public Prosecutor, High Court of AP [OUT]
7. One spare copy

KJ

HIGH COURT

DR.YLR,J

DATED:12/12/2025

BAIL ORDER

CRLP.Nos.11818 & 11819 of 2025

ALLOWED

