



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

[3521]

TUESDAY, THE SEVENTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8367/2025

**Between:**

BHARAT SINGH, S/O.HOSHIYAAR, AGED ABT 37 YEARS,  
R/O.D.NO.77, KH.NO.9/21, GALLI NO. 10, SHIV VIHAR, NANGLOI,  
WEST DELHI.

...PETITIONER/ACCUSED

AND

THE STATE OF ANDHRA PRADESH, SHO, Duwada P.S.,  
Visakapatnam, Represented by its Public Prosecutor, High Court of  
Andhra Pradesh at Amaravati, Guntur District.

...RESPONDENT/COMPLAINANT

**Counsel for the Petitioner/accused:**

ANAND KUMAR KOCHIRI

**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 petitioner/Accused No.1 on bail in Cr.No.131 of 2025 of Duvvada Police Station, Visakhapatnam District, was registered against the petitioner/Accused No.1 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').

2. The case of the prosecution is that on 04.04.2025 at about 13:30 hours, opposite the APSRTC Depot on NH-16 Road towards Anakapalli, Kurmannapalem, Gajuwaka, Visakhapatnam, on receiving credible information regarding the illegal possession and transportation of ganja, the Sub-Inspector of Police, Duvvada Police Station, along with his staff and mediators, rushed to the spot and found Accused No.1. Accused No.1 disclosed that he, along with his associates, Accused Nos.2 and 3, was transporting ganja from Visakhapatnam to Delhi. Accordingly, Accused No.1 came to Kurmannapalem with ganja bags and was waiting for Accused Nos.2 and 3. Meanwhile, the police apprehended him and seized 125.940 Kgs of dry ganja packed in six plastic bags containing 46 packets,

along with one Vivo Android mobile phone, from his possession, and arrested him in the presence of mediators.

3. Sri Anand Kumar Kochiri, the learned counsel for the petitioner contends that the petitioner is innocent of the alleged offence and he has been falsely implicated by the police. It is further submitted that the petitioner is the sole earning member of the family and, therefore, his incarceration would cause undue hardship to his dependents. The petitioner undertakes 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 of bail to the petitioner, submitting that the investigation is still underway and several material witnesses remain to be examined. It is contended that if the petitioner is released on bail at this stage, there is a strong likelihood that he 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 petitioner and the learned Assistant Public Prosecutor. Perused the record.

6. As seen from the record, the petitioner/Accused No.1 was allegedly indulged in dealing with 125.940 Kgs of dry ganja along with other accused. The petitioner has been languishing in jail since 04.04.2025 and has been in judicial custody for the past 183 days. The petitioner/Accused No.1 is a resident of Shiv Vihar, Nangloi, West Delhi, and has a fixed abode. So far, seven witnesses have been examined. The material portion of the investigation, insofar as the alleged role of the petitioner is concerned, has been completed. All the witnesses of the prosecution are official witnesses. Hence, the question of the petitioner influencing or threatening the witnesses or hampering the investigation may not arise.

7. The learned Assistant Public Prosecutor submits that no report was filed before the learned Court below by the learned Public Prosecutor concerned seeking for extension period of judicial custody of the petitioner upto one year by indicating the progress of investigation and the specific reasons for the detention of the accused beyond the initial period.

8. Section 36A(4) of 'the NDPS Act' states that if the investigation is not completed within 180 days, the petitioner/Accused No.1 has 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.

9. Considering the period of detention undergone by the petitioner/Accused No.1 in judicial custody for the past 183 days, 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 on bail with the following stringent conditions:

- i. The petitioner/Accused No.1 shall be enlarged on bail subject to he executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for the like sum each to the satisfaction of the learned Additional Chief Judicial Magistrate, Gajuwaka.
- ii. The petitioner/Accused No.1 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.1 shall not leave the limits of the District without prior permission from the Station House Officer concerned.
- iv. The petitioner/Accused No.1 shall not commit or indulge in commission of any offence in future.
- v. The petitioner/Accused No.1 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.

vi. The petitioner/Accused No.1 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.

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

Date: 07.10.2025  
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**THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**

**CRIMINAL PETITION No.8367 of 2025**

Date: 07.10.2025