



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

[3521]

FRIDAY, THE TWENTY SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9595 OF 2025

Between:

1. SIMMA RAJU, S/O NOOKARAJU (LATE), AGED 35 YEARS, R/O
BLACK NO. 1, FLAT NO. 15, NTR COLONY, PEDDAPURAM,
KAKINADA, EAST GODAVARI DISTRICT

...PETITIONER/ACCUSED

AND

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

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. KOPPISETTI PARVATI DEVI

Counsel for the Respondent/complainant:

1. 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. 343 of 2025 of

Peddapuram Police Station, Kakinada, East Godavari District, registered against the Petitioner/Accused No.2 herein for the offence punishable under Sections 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. Material averments stemming from the prosecution are that on 03.09.2025 at about 10.30 a.m at the abandoned water tank, Sai Chaitanya Nagar, near Swarna Devalayam Church, via Peddapuram to Samlkot Road, Peddapuram, apprehended the Accused No.1 while being in possession and transportation of Ganja weighing 6.878 Kgs in three packets and the same was seized along with one cell phone and cash. The Police apprehended the Accused and registered the above case.

CONTENTIONS OF THE COUNSEL FOR THE PETITIONER:

3. Sri Kopiseti Parvathi Devi, learned Counsel for the Petitioner submits that the Petitioner is innocent and has been falsely implicated in the alleged offence, and that there is no *prima facie* material or cogent evidence connecting the Petitioner to the commission of the crime. It is further contended that the Petitioner is the sole earning member of his family and that his incarceration would result in grave hardship and irreparable prejudice to his dependents. The Petitioner undertakes to comply with any condition that this Hon'ble Court may deem fit and proper to impose while considering the prayer for grant of bail.

4. It is further submitted that the Petitioner is a permanent resident of Peddapuram, Kakinada, East Godavari District and there exists no apprehension of his absconding or evading the due process of law. The Petitioner has extended full cooperation in the course of investigation and undertakes to continue such cooperation in all future proceedings. It is also urged that the nature of the allegations does not necessitate custodial interrogation, and that the imposition of appropriate conditions would suffice to secure the ends of justice. In view of the foregoing, it is urged to allow the petition.

ARGUMENTS OF THE STATE:

5. *Per contra*, Ms. P. Akhila Naidu, learned Assistant Public Prosecutor has vehemently opposed the prayer for bail, asserting that the investigation is at a nascent and critical stage, with several material witnesses yet to be examined. It is submitted that the premature enlargement of the Petitioner on bail would be inimical to the sanctity and efficacy of the ongoing investigative process and may engender deliberate non-cooperation on the part of the Petitioner. The prosecution further raises an apprehension that, if released, the Petitioner may exert undue influence upon, or intimidate, prosecution witnesses, thereby impeding the administration of justice and vitiating the evidentiary foundation of the case. It is also contended that there exists a palpable and imminent risk of the Petitioner absconding, thereby frustrating the due process of law.

6. In view of the gravity and allegations, coupled with the potential threat posed to the integrity of the investigation, it is submitted that the Petitioner is not entitled to the indulgence of discretionary relief and it is urged to dismiss the present Criminal Petition.

POINT FOR CONSIDERATION:

7. In view of the rival submissions advanced by both the learned Counsel and upon a perusal of the prosecutorial narrative, the pivotal issue now meriting for consideration is:

“Whether the Petitioner is entitled for grant of bail?”

ANALYSIS:

8. The allegations against the Petitioner/ Accused No.2, as seen from the record is that he was indulged in dealing with the 6 Kgs of ganja along with other Accused. The Petitioner was arrested on 03.09.2025. He has been in judicial custody for the past 20 days.

9. Learned Assistant Public Prosecutor would submit that there are 9 cases registered against the Petitioner under the provisions of IPC. Till the guilt is proved, the Petitioner is presumed to be an innocent is the cardinal adversarial principle of criminal jurisprudence. The Petitioner shall be presumed to be innocent until the guilty is proved. The ***Hon’ble Apex Court in Prabhakar Tewari v. State of Uttar Pradesh***¹ at para No.7 observed that criminal similar adverse antecedents cannot be basis for refusal of bail. The

¹ (2020) 11 SCC 648

Petitioner is permanent resident of Peddapuram, Kakinada, East Godavari District. Material portion of investigation in respect of role of the Petitioner is completed. Scope for Petitioner either to threaten the witnesses or tampering the evidence or hampering the investigation may not arise as all the witnesses are official witnesses.

CONCLUSION:

10. Considering the nature and gravity of allegation levelled against the Petitioner, his alleged role played in this case, and the period of detention undergone by the petitioner, this Court is inclined to enlarge the Petitioner on bail with the following stringent conditions:

- i. The Petitioner/Accused No.2 shall be enlarged on bail subject to his executing a bond for a sum of Rs.20,000/- (Rupees twenty thousand only), with two sureties each for the like sum each to the satisfaction of the Judicial Magistrate of First Class, Peddapuram.
- ii. The Petitioner/Accused No.2 shall appear before the Station House Officer, Peddapuram Police Station, East Godavari District, 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 State of Andhra Pradesh 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.

vi. 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.

vii. The Petitioner/Accused No.2 shall surrender his passport, if any, to the investigating officer. If he claim that he do not have a passport, he shall submit an affidavit to that effect to the Investigating Officer.

11. Accordingly, the Criminal Petition is allowed.

DR. Y. LAKSHMANA RAO, J

Date: 26.09.2025

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