



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: 9855/2025

Between:

1. BARI KUMAR, S/O. APPANNA, AGED ABOUT 25 YEARS, R/O.
D.NO.16-206/2, OLD GOPALAPATNAM, VISAKHAPATNAM CITY,
VISAKHAPATNAM DISTRICT, A.P.

...PETITIONER/ACCUSED

AND

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

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. BALABHADRANI MANOHAR

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

This criminal petition has been filed, under Sections 480 and 483 of the BharatiyaNagarik Suraksha Sanhita, 2023, seeking to enlarge the petitioner-accused No. 4on bail in crime No. 232 of 2025 of Gopalapatnam Police Station, Visakhapatnam Commissionerate, registered for the offence punishable under Section 8 (c) read with Section 20 (b) (ii) (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

CASE OF THE PROSECUTION:

2. On25-08-2025 at about 9 hours, at SC BC Colony, Venkatapuram, Gopalapatnam, accused Nos. 1 to 7 were found and arrested while they were in possession of 2.5 K.Gs. of Ganja.

CONTENTIONS OF LEARNED COUNSEL FOR THE PETITIONER:

3. Sri Balabhadruni Manohar, learned counsel for the petitioner, submits that the petitioner is innocentand has been falsely implicated in the alleged offence, without any cogent evidence linking to the commission of the crime.It is contended that the petitioner is the sole breadwinnerofhis family and his arrest would cause undue hardship and prejudice to the dependents of the petitioner. 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 permanent place of residence and there is no likelihood of him absconding or evading the process of law.The petitioner has cooperated with the investigation so far and assurescontinued cooperation in future proceedings.It is also urged that the

allegations are of a nature that do not warrant custodial interrogation, and if any condition is imposed while granting the bail, the petitioner would not violate it; and it is urged to allow the petition.

ARGUMENTS OF THE STATE:

5. *Per contra*, Sri NeelothpalGanji, learned Assistant Public Prosecutor, strenuously opposed the grant of bail, contending that the investigation is still underway and several material witnesses yet to be examined. It is submitted that enlargement of the petitioner on bail at this stage would seriously hamper the progress of the investigation and may result in non-cooperation from the petitioner. The prosecution further apprehends 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 integrity of the investigation, it is submitted that the petitioner does not deserve the discretionary relief of bail and it is urged to dismiss the bail petition.

6. Thoughtful consideration is bestowed on the arguments advanced by 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 learned counsel for both sides, now the point for consideration is:

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

ANALYSIS:

8. The allegation against the petitioner-accused No. 4 is that he had indulged in dealing with 2.5 K.Gs. of Ganja. It is not a commercial quantity. The petitioner is permanent resident of Gopalapatnam, Visakhapatnam City. He has got fixed abode. The petitioner was arrested on 25-08-2025. He has been in judicial custody for the past 33 days. All the witnesses are official witnesses. Therefore, chances of the petitioner either threatening the witnesses or tampering the evidence or hampering the investigation may not arise.

CONCLUSION:

9. Considering the facts and circumstances of the case and the nature and gravity of allegations levelled against the petitioner, this Court is inclined to enlarge him on bail with the following stringent conditions:

- (i) The petitioner-accused No. 4 shall be enlarged on bail subject to his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of learned II Additional Metropolitan Magistrate at Visakhapatnam;
- (ii) The petitioner-accused No. 4 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 learned trial Court;
- (iii) The petitioner-accused No. 4 shall not commit or indulge in commission of any offence in future;

- (iv) The petitioner-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;
- (v) The petitioner-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; and
- (vi) The petitioner-accused No. 4 shall surrender his passport, if any, to the investigating officer. If he claims that he does not have a passport, he shall submit an affidavit to that effect to the Investigating Officer.

10. The criminal petition is accordingly allowed.

Dr.Y.LAKSHMANA RAO, J.

Date:26-09-2025,
KK

HONOURABLE Dr.JUSTICE Y.LAKSHMANA RAO

CRIMINAL PETITION No. 9855 OF 2025

DATE: 26-09-2025

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