
(2025) 10 APH CK 0004

Andhra Pradesh HC

Case No: Criminal Petition No: 6470 Of 2025

Sakila & Ors

APPELLANT

Vs

State Of Andhra
Pradesh

RESPONDENT

Date of Decision: Oct. 28, 2025

Acts Referred:

- Code Of Criminal Procedure, 1973 — Section 437, 439
- Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 480, 483
- Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8(C), 20(b)(ii)(C), 36A(4)

Hon'ble Judges: Dr Y. Lakshmana Rao, J

Bench: Single Bench

Advocate: Gollapalli Maheswara Rao

Final Decision: Allowed

Judgement

Dr Y. Lakshmana Rao, J

1. The Criminal Petition has been filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for brevity â€˜the Cr.P.C.â€™)/ Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity â€˜the BNSSâ€™), seeking to enlarge the petitioners/Accused Nos.1 and 2 on bail in Crime.No.79 of 2025 of Airport Police Station, Visakhapatnam District, registered against the petitioners/Accused Nos. 1 and 2 herein for the offences punishable under Sections 20(b)(ii)(C) read with 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity â€˜the NDPS Actâ€™).

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

3. As seen from the record, the allegation against the petitioners/Accused Nos.1 and 2 are that they had allegedly indulged in possession and transportation of 21.095 Kgs of ganja. They were arrested on 26.04.2025. They have been in the judicial custody for the past 186 days. The petitioner/Accused No.1 is a resident of J.J.Colony, Bavana North, West Delhi. The petitioner/Accused No.2 is a resident of Pratapganj Town, Supaul District, Bihar State. They have got fixed abode. If they are enlarged on bail with certain stringent conditions, they may not evade the process of law. The statutory period of 180 days has been

completed. The learned Assistant Public Prosecutor submits that one similar adverse antecedent reported against the petitioners.

4. 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 petitioners upto one year by indicating the progress of investigation and the specific reasons for the detention of the accused beyond the initial period.

5. Section 36A(4) of the NDPS Act states that if the investigation is not completed within 180 days, the petitioners/Accused Nos.1 and 2 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.

6. Be that as it may, the petitioners/Accused Nos.1 and 2 is presumed to be innocents until proven guilty. In ***Prabhakar Tiwari v.State of U.P. and others*** 2020 (11) SCC 648, the Hon'ble Apex Court has categorically held that criminal antecedents should not be taken into consideration while considering the application for grant of bail.

7. Considering the facts and circumstances of the case, the nature and gravity of allegations levelled against the petitioners/Accused Nos.1 and 2, this Court is inclined to enlarge the petitioners/Accused Nos.1 and 2 on bail with the following stringent conditions:

i. The petitioners/Accused Nos.1 and 2 shall be enlarged on bail subject to they executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for the like sum each to the satisfaction of the learned VII Additional Judicial First Class Magistrate at Visakhapatnam.

ii. The petitioners/Accused Nos.1 and 2 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 petitioners/Accused Nos.1 and 2 shall not leave the limits of the District without prior permission from the Station House Officer concerned.

iv. The petitioners/Accused Nos.1 and 2 shall not commit or indulge in commission of any offence in future.

v. The petitioners/Accused Nos.1 and 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.

vi. The Petitioners/Accused Nos.1 and 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.

8. In the result, the Criminal Petition is allowed.