

(2025) 10 AP CK 0006

Andhra Pradesh HC

Case No: Criminal Petition No: 10816 Of 2025

Setti Uma Maheswara Rao

APPELLANT

Vs

State Of Andhra Pradesh

RESPONDENT

Date of Decision: Oct. 28, 2025

Acts Referred:

- 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: Kakumanu Joji Amrutha Raju

Final Decision: Allowed

Judgement

Dr Y. Lakshmana Rao, J

1. Criminal Petition has been filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (the BNSS) seeking to enlarge the Petitioner/Accused No.1 on bail in Crime No.14 of 2025 of Ramabhadrapuram Police Station, Vizianagram, registered against the Petitioner/Accused No.1 herein for the offence punishable under Section 8(c) read with Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (the NDPS Act) on the allegation of Petitioner/Accused No.2 was allegedly indulged in dealing with 147 Kgs of ganja.

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

3. The allegation against the Petitioner/Accused No.1 is that he had indulged in dealing with 147 Kgs of ganja. It is a commercial quantity. The role of the petitioner has come into light based on the confession of the Accused Nos.3 and 4. There are three adverse criminal similar antecedents reported against the petitioner. The petitioner was arrested on 25.04.2025. He has been in the judicial custody for the past 183 days. The period for custodial interrogation is also completed.

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 petitioner 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 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.

6. Mere pendency of adverse antecedents is not a ground to deny the request for grant of bail, inasmuch as the petitioner is presumed to be innocent in all those cases until his guilt is proved. The Hon'ble Apex Court in **Prabhakar Tewari v. State of Uttar Pradesh** (2020) 11 SCC 648 at para No.7 observed that criminal similar adverse antecedents cannot be basis for refusal of bail. The petitioner is a permanent resident of Sivalingapuram Village, Kotturu Panchayat, Anantagiri Mandal, Alluri Setha Rama Raju District. He has got fixed abode. Therefore, the possibility of the petitioner tampering with evidence, threatening witnesses, or hampering the investigation does not arise. Period for default bail has been completed. The charge sheet has not yet been filed.

7. Subtly considering the facts and circumstances of the case, the nature and gravity of the allegations levelled against the Petitioner/Accused No.1, this Court is inclined to enlarge the Petitioner/Accused No.1 on bail.

8. In the result, the Criminal Petition is allowed 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 Judicial Magistrate of I Class, Salur.

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 State of Andhra Pradesh 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 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.

vi. The Petitioner/Accused No.1 shall surrender his passport, if any, to the investigating officer. If he claims that he does not have a passport, he shall submit affidavits to that effect to the Investigating Officer.