
(2025) 12 AP CK 0009

Andhra Pradesh HC

Case No: Criminal Petition No: 11527 Of 2025

Savala Vishal Kanth

APPELLANT

Vs

State Of Andhra Pradesh

RESPONDENT

Date of Decision: Dec. 8, 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), 25

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

Bench: Single Bench

Advocate: M S P Reddy

Final Decision: Allowed

Judgement

Dr Y. Lakshmana Rao, J

1. 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.8 on bail in Crime No.129 of 2023 of Narsipatnam Rural Police Station, Anakapalli District, registered against the Petitioner/Accused No.8 herein for the offences punishable under Sections 20(b)(ii)(C), 25 read with Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity „the NDPS Act■).

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

3. This is the second bail application filed by the petitioner/accused No.8. This Court in Crl.P.No.10186 of 2025 on 10.10.2025 dismissed the first bail application of the petitioner/accused No.8 on the ground that the investigation was at progressive stage. The petitioner/accused No.8 was not spot arrested. His role came to light based on the confessions of accused Nos.1 to 6, who were spot arrested while in possession and transportation of 138 kgs of

ganja. The seized contraband is commercial quantity. The accused Nos.1 to 6 were already enlarged on bail. The accused No.7 was also enlarged on bail vide CrI.P.No.8617 of 2025, dated 13.10.2025. After thorough investigation, charge sheet has been filed. On perusal of the charge sheet, except co-accused confessions, no independent valid material was secured by the investigation officer to establish the complicity of the petitioner/accused No.8 in this case. The petitioner is permanent resident of Telangana State. He has got fixed abode. There are no similar criminal adverse antecedents against the petitioner. The petitioner was arrested on 28.06.2025. He has been in judicial custody for the past 160 days. Since charge sheet has been filed after thorough investigation, there is no question of threatening the investigation and threatening the witnesses. It would take considerable time for the learned trial Court to take up the matter for disposal. Until such time, keeping the petitioner in custody for an indefinite period would serve no useful purpose. If certain conditions are imposed on the petitioner/Accused No.8 while enlarging him on bail, the ends of justice would be met.

4. In this context, it is apposite to refer the Judgment of the Hon^{ble} Apex Court in **P. Krishna Mohan Reddy v. State of Andhra Pradesh** 2025 SCC Online SC 1157, at Para Nos.27 and 53 (iv) it is held as under:

“27. To some extent, the petitioners could be said to have made out a prima facie case of political bias or mala fides but that by itself is not sufficient to grant anticipatory bail overlooking the other prima facie materials on record. Political vendetta or bias if any is one of the relevant considerations while considering the plea of anticipatory bail. The courts should keep one thing in mind, more particularly, while considering the plea of anticipatory bail that when two groups of rival political parties are at war which may ultimately lead to litigations, more particularly, criminal prosecutions there is bound to be some element of political bias or vendetta involved in the same. However, political vendetta by itself is not sufficient for the grant of anticipatory bail. The courts should not just look into the aspect of political vendetta and ignore the other materials on record constituting a prima facie case as alleged by the State. It is only when the court is convinced more than prima facie that the allegations are frivolous and baseless, that the court may bring into the element of political vendetta into consideration for the purpose of considering the plea of anticipatory bail. The frivolity in the entire case that the court may look into should be attributed to political bias or vendetta.

53. From the above exposition of law, the following emerges:

(iv) Where such police statement of an accused is confessional statement, the rigour of Section(s) 25 and 26 respectively will apply with all its vigour. A confessional statement of an accused will only be admissible if it is not hit by Section(s) 24 or 25 respectively and is in tune with the provisions of Section(s) 26, 28 and 29 of the Evidence Act respectively.

In other words, a police statement of an accused which is in the form of a confession is per se inadmissible and no reliance whatsoever can be placed on such statements either at the stage of bail or during trial. Since such confessional statements are rendered inadmissible by virtue of Section 25 of the Evidence Act, the provision of Section 30 would be of no avail, and no reliance

can be placed on such confessional statement of an accused to implicate another co-accused.”

5. Considering the facts and circumstances of the case, the nature and gravity of allegations levelled against the Petitioner/Accused No.8, this Court is inclined to enlarge the Petitioner/Accused No.8 on bail.

6. In the result, the Criminal Petition is allowed with the following stringent conditions:

i. The petitioner/Accused No.8 shall be enlarged on bail subject to he executing 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 First Class Magistrate, Narsipatnam.

ii. The Petitioner/ Accused No.8 shall appear before the learned trial Court on every adjournment without fail.

iii. The Petitioner/ Accused No.8 shall not commit or indulge in commission of any offence in future.

7. In the course of trial, if it is reported that the petitioner/accused No.8 is indulged in commission of any offence, the Investigating Officer is at liberty to approach this Court seeking cancellation of the bail granted to the petitioner.