



**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: 9718/2025**

**Between:**

Chevvakula Chinnammalu

**...PETITIONER/ACCUSED**

**AND**

The State Of Andhra Pradesh

**...RESPONDENT/COMPLAINANT**

**Counsel for the Petitioner/accused:**

1.ARRABOLU SAI NAVEEN

**Counsel for the Respondent/complainant:**

1.PUBLIC PROSECUTOR

**The Court made the following:**

**ORDER:**

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.1 on bail in Crime No.30 of 2025 of Rolugunta Police Station, Anakapalli District, registered against the Petitioner/Accused No.1 herein for the offences punishable under Sections Sections 20(b)(ii)(C), 25 read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'the NDPS Act').

**CASE OF THE PROSECUTION:**

2. Material averments of the prosecution are that on 21.04.2025 at about 10:00 hours, the Sub-Inspector of Police, Rolugunta, along with staff and mediators, conducted vehicle checks near Kanchugummala Junction. Four persons on two bikes carrying white PVC bags tried to escape but were apprehended. On inquiry, it was revealed that Accused No.1 had purchased 26 KGs of ganja from Accused No.2 and, with the help of Accused Nos.3 and 4, was transporting it, offering them 1 KG each for self-consumption. The police seized 26 KGs of ganja worth Rs.1,30,000/-, two bikes, and four mobile phones under a mediator's report and took the accused into custody.

**CONTENTIONS OF THE COUNSEL FOR THE PETITIONER:**

3. Sri Arrabolu Sai Naveen, 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 Anakapalli 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. As seen from the record, the allegation against the petitioner/Accused No.1 is that she was involved in dealing with 26 Kgs of ganja. This is her second bail application. It is alleged that Accused Nos.3 and 4 were found in possession of 13 Kgs of ganja, while Accused Nos.1 and 2 were found with another 13 Kgs. The petitioner was arrested on 21.04.2025 and has been in judicial custody for the past 156 days. The learned counsel for the petitioner contends that the grounds of arrest were not communicated to the petitioner as mandated under Section 47 of ‘the BNSS.,’/Section 50 of ‘the Cr.P.C’. However, from the documents filed by the Inspector of Police, it is noted that the grounds of arrest were communicated to Accused No.1 through her relatives. Article 22(1) of the Constitution of India also mandates that as soon as an accused person is arrested, the grounds of arrest shall be communicated in writing, enabling the accused to prepare a defence and to seek bail. It is a fundamental right of any citizen to be informed of the grounds of arrest at the earliest. On perusal of the record, there is, therefore, a clear violation of Section 47 of ‘the BNSS.,’ and Article 22(1) of the Constitution of

India. When such a fundamental right is violated, the rigor of Section 37 of 'the NDPS Act.,' cannot be applied rather invoked.

**CONCLUSION:**

9. Considering the nature and gravity of allegation levelled against the Petitioner/Accused No.1, in view of the violation of the statutory provisions and also Article 22(1) of the Constitution of India, this Court is inclined to enlarge the Petitioner/Accused No.1 on bail with the following stringent conditions:

- i. The Petitioner/Accused No.1 shall be enlarged on bail subject to the executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for the like sum each to the satisfaction of the learned Additional Judicial I Class Magistrate, Narsipatnam.
- ii. The Petitioner/Accused No.1 shall appear before the Station House Officer, Rolugunta Police Station, Anakapalli, 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 cooperate with the investigating officer in further investigation of the case and shall make herself available for interrogation by the investigating officer as and when required.

vi. 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.

vii. Petitioner/Accused No.1 shall surrender his passport, if any, to the investigating officer. If she claims that she does not have a passport, she shall submit an affidavit to that effect to the Investigating Officer.

10. Accordingly, the Criminal Petition is allowed.

---

**DR. Y. LAKSHMANA RAO, J**

Date:26.09.2025  
KMS

**THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**

**CRIMINAL PETITION NO: 9718 OF 2025**

**26.09.2025**

**KMS**