

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
MONDAY ,THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE



:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

IA No. 1 OF 2025

IN

CRLA NO: 69 OF 2025

Between:

1. Musunuri Venkanna Kotibabu, S/o Sankararao @ Sankaraiah, age 33 Years, Jangala, Uppal, Hyderabad, now at Ibrahimpatnam, Vijayawada.
2. Epuri Naresh, S/o Deva Biksham, age 30 Years, SC Madiga, Rentala Village, Rentachintala Mandal, Now at Ibrahimpatnam, Vijayawada.
3. Kilari Soma Venkata Durga Ganesh Kumar, S/o Suryanarayana Murthy, age 41 Years, Kapu, Ibrahimpatnam, Vijayawada.
4. Musunuri Muralikrishna, S/o (Late) Sankara Rao @Sankaraiah 38 Years, Jangala, Mallikharjuna Nagar, Bodappal, Peerzadiguda Rangareddy District.
5. Darapureddy Ramakrishna, S/o Peddinaidu, age 30 Years, Koppu Velama, Kosarlapudi Village, Rollagunta Mandal, Visakhapatnam Rural District.

...Appellants/Accused Nos. 1 to 4 & 6
(Petitioner in CRLA 69 OF 2025
on the file of High Court)

AND

The State , Represented by its Public Prosecutor, High court of A.P.
Amaravathi, Guntur District.

...Respondent/Complainant
(Respondents in-do-)

Counsel for the Petitioner :SRI T V V KOTESWARA RAO

Counsel for the Respondent :PUBLIC PROSECUTOR

Petition under Section 430 (1) of BNSS (389 (1) of Cr.P.C., 1973) praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Sentence/Judgment dated 22.1.2025 in Special Sessions case No. 20 of 2022 on the file of the I Additional sessions judge-cum- Special judge for trial of NDPS Krishna, Machilipatnam and release the Appellants /accused herein on bail Pending disposal of CRLA No. 69 of 2025, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

“The instant petition under Section 389(1) of the Code of Criminal Procedure read with Section 430(1) of BNSS Act, 2023, has been filed by the Petitioners/Appellants/Accused Nos.1 to 4 & 6 to release them on bail by suspending the execution of sentence of imprisonment imposed against the Petitioners in Special Sessions Case No.20 of 2022 dated 22.01.2025 on the file of I Additional Sessions Judge-cum- Special Judge For Trial of NDPS Act Cases, Krishna District, Machilipatnam , wherein the Petitioners/A1 to A4 & A6 were convicted for the offence punishable under Section 20(b)(ii)(B) r/w.8(c) of the N.D.P.S. Act and sentenced to undergo rigorous imprisonment for a period of three (3) years and to pay fine of Rs.10,000/-, in default of payment of such fine , to suffer simple imprisonment for a period of six (06) months each.

2. Heard Sri T.V.V. Koteswara Rao , learned counsel for the Petitioners.

3. Ms. K.Priyanka Lakshmi, learned Assistant Public Prosecutor takes notice on behalf of the State/Respondent.

4. Learned counsel for the Petitioners/ Appellants would submit that they have good grounds to succeed in the appeal. It is a case of

seizure of non-commercial quantity of Ganja from the possession of the Petitioner/Appellant/Accused. Learned counsel would further submit that this appeal may take considerable time and prays to allow the petition by suspending the sentence of imprisonment imposed by the learned trial Court against the Petitioners.

5. Learned Assistant Public Prosecutor would submit that the Court may pass appropriate orders.

6. Considering the submissions made, the present appeal may take considerable time for disposal, it is apposite to release the Petitioners on bail.

7. In that view, the petition is allowed, suspending the sentence of imprisonment imposed against the Petitioners on the following conditions:

i) The Petitioners shall execute a personal bond of Rs.20,000/- (Rupees Twenty thousand only) each with two sureties for a like sum each to the satisfaction of the Additional Judicial First Class Magistrate, Gudiwada.

ii) The Petitioners shall appear before the Trial Court once in a month i.e., on the 1st Monday till the disposal of this appeal."

A Sd/- N. NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

For AS

SECTION OFFICER

To,

1. The I Additional Sessions Judge-cum- Special Judge For Trial of NDPS Act Cases, Krishna District, Machilipatnam
2. The Additional Judicial First Class Magistrate, Gudiwada
3. The Superintendent, Rajahmundry Central Jail
4. One CC to SRI. T V V KOTESWARA RAO Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of A.P[OUT]
6. One spare copy

HIGH COURT

Dr.VJP,J

DATED:03/02/2025

LIST THE MATTER IN REGULAR COURSE.

ORDER

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IN

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DIRECTION

