

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE TWENTY NINETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

[3368]

:PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

IA No. 1 OF 2026

IN

CRLA NO: 188 OF 2026



Between:

Setty Uma Maheswara Rao alias Hussain, S/o Appalaswamy, 32 years, Sivalingapuram Village, Kotturu Panchayat, Anantangiri Mandal, Visakhapatnam District, Now residing at Pandiri Appanna Junction, S. Kota Mandal, Vizianagaram District.

Appellant/Accused No.2

(Petitioner in CRLA 188 OF 2026

on the file of High Court)

AND

The State of Andhra Pradesh, Rep., by the Inspector of Police,
Srungavarapukota Police Station, Through the Public Prosecutor, High
Court of A.P., Amaravathi.

...Respondent/Complainant

(Respondents in-do-)

Counsel for the Petitioner :SRI PARDHA SARADHI A V

Counsel for the Respondent :PUBLIC PROSECUTOR

Petition under Section 430(1) of BNSS is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the execution of sentence including fine

arising out of judgment dated 12.3.2026 passed in NDPS Sessions Case No.44 of 2017 by the Special Judge for Trial of Cases under NDPS Act-cum-I Additional District and Sessions Judge, Vizianagaram and release the petitioner on bail, Pending disposal of CRLA No. 188 of 2026, on the file of the High Court.

ORDER:

"Heard Sri Pardha Saradhi A.V., learned counsel for the petitioner/appellant/A2 and Sri C.Panini Somayaji, learned Additional Public Prosecutor representing the State.

Learned counsel for the petitioner/appellant would submit that the appellant was convicted for the offence under Section 8(c) r/w 20(b)(ii)(C) of the NDPS Act, 1985 and accordingly, he was convicted and sentenced to suffer rigorous imprisonment for a period of fourteen (14) years and to pay a fine of Rs.1,00,000/- (Rupees One Lakh only), and in default shall undergo simple imprisonment for a period of one (01) year.

He would submit that the appeal is filed challenging the judgment of the trial Court on various grounds, and that there is no possibility of hearing the appeal in the near future. Therefore, the order of sentence of imprisonment imposed by the trial Court may be suspended pending disposal of the appeal.

Learned Additional Public Prosecutor vehemently opposed the application submitting that the contraband involved in the case is 618 Kgs of ganja, falling under the category of commercial quantity and attracting section 37 of the NDPS Act, 1985. The instructions received from the police would show that the petitioner is involved in seven (07) similar cases under the provisions of the NDPS Act. It would show that there is every likelihood of the petitioner committing similar offence in future also, if he is released on bail. Therefore, Section 37 of the NDPS Act squarely applies to the facts of the case, and it is not a fit case to suspend the order of sentence.

Considering the above facts and circumstances, and there being no dispute about the fact that the petitioner/A2 is involved in seven (07) similar offences punishable under the NDPS Act, 1985, which would lead this Court to come to a conclusion that there is every likelihood of the petitioner/appellant committing similar offence or any other offence, if he is released on bail, as laid down under Section 37 of the NDPS Act. Therefore, this Court is of the considered opinion that it is not a fit case to suspend the sentence and to release the petitioner on bail at this length of time.

In the light of foregoing discussion, the application is dismissed.”

Sd/- U.SRIDEVI
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to SRI. PARDHA SARADHI A V Advocate [OPUC]
2. Two CCs to Public Prosecutor, High Court of AP [OUT]
3. The Section Officer, Criminal Section, High Court of Andhra Pradesh, Amaravati.
4. One spare copy

KJ

HIGH COURT

BVLNC,J

DATED:29/04/2026

**LIST THE MATTER IN THE MONTH OF SEPTEMBER, 2026 IN USUAL
COURSE.**

ORDER

IA No. 1 OF 2026

IN

CRLA.No.188 of 2026

SUSPENSION

