

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**MAIN CASE No.: Crl.A.No.215 of 2026****PROCEEDING SHEET**

Sl. No.	DATE	ORDER	OFFICE NOTE
02.	21.04.2026	<u>BVLNC, J</u> <u>I.A. No. 1 of 2026</u> Heard Ms. Sravana Sandhya, learned counsel for the petitioner/appellant, and the learned Additional Public Prosecutor appearing for the respondent-State. 2. The petitioner/appellant is Accused No.3 in NDPS S.C. No. 19 of 2023 on the file of the learned I Additional District and Sessions Judge, Ananthapur District at Anantapuramu. 3. The petitioner/appellant was found guilty of the offence punishable under Section 8(c) read with Section 18(b) of the NDPS Act, 1985. Accordingly, he was convicted under Section 235(2) Cr.P.C. and sentenced to undergo rigorous imprisonment for a period of ten (10) years and to pay a fine of Rs.1,00,000/- (Rupees One Lakh only), and in default of payment of fine, to suffer simple imprisonment for a period of six (6) months.	

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		4. Learned counsel for the petitioner/appellant submitted that the case of the prosecution is that the accused were in possession of 60 kgs of poppy pods/poppy straw and that the learned trial Court erroneously convicted the petitioner/appellant without properly appreciating the facts and evidence on record. Hence, the petitioner/appellant has preferred the present appeal challenging the judgment of the trial Court on various grounds. 5. She further submitted that there is no material on record to show that, while the petitioner/appellant was on bail during trial, he was involved in any similar offence or any other offence under the NDPS Act. There are no allegations of breach of bail conditions during the trial. Learned counsel also submitted that the petitioner/appellant is presently lodged in Central Prison, Kadapa, Kadapa District. She fairly submitted that the fine amount has not yet been paid by the petitioner/appellant. 6. Learned counsel further submitted that the sentence imposed by the learned trial Court is a fixed sentence of ten (10) years; that there are fair chances of success in the	

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		appeal; and that there is no likelihood of the appeal being taken up for hearing in the near future. 7. She also submitted that the appeal may take considerable time for hearing and, considering the circumstances of the case, the petitioner/appellant may be released on bail by suspending the sentence of imprisonment imposed by the learned trial Court. 8. The learned Additional Public Prosecutor opposed the application, submitting that the contraband involved in the case is of commercial quantity, i.e., 60 kgs of poppy pods/poppy straw, falling under the category of commercial quantity. Hence, Section 37 of the NDPS Act would apply to the facts of the case. 9. Heard the submissions made by learned counsel on both sides. 10. In light of the above submissions, the specific circumstance that arises is that, admittedly, no material is available before this Court to conclude that the petitioner/appellant is likely to commit any similar offence or any other offence if released on bail, as contemplated under Section 37 of the NDPS	

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		Act. 11. Considering the above facts and circumstances, particularly the fact that the sentence imposed is a fixed sentence of ten (10) years and that there is no likelihood of the appeal being taken up for hearing in the near future, this Court is of the considered opinion that <i>“the sentence of imprisonment alone imposed by the learned I Additional District and Sessions Judge, Ananthapur District at Anantapuramu, vide judgment dated 25.03.2026 in NDPS S.C. No. 19 of 2023 against the petitioner/appellant/ Accused No.3, shall be suspended during the pendency of the appeal, subject to the following conditions”:</i> i) The petitioner/appellant shall be enlarged on bail upon executing a personal bond for Rs.25,000/- (Rupees Twenty-Five Thousand only), with two (02) sureties each for a like sum, to the satisfaction of the learned trial Court. ii) Upon such release, the petitioner/appellant shall appear before the learned trial Court on every fourth Saturday of the month until disposal of the appeal.	

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		iii) The petitioner/appellant shall pay 25% of the fine amount before the learned trial Court within four (4) weeks from the date of this order and file proof of such payment before this Court. iv) The petitioner/appellant shall not leave the country without prior permission of the Court. v) The petitioner/appellant shall not involve in any similar offence or any other offence under the NDPS Act in future. vi) In the event of violation of any of the above conditions, the prosecution is at liberty to file an application seeking cancellation of bail. 12. Accordingly, the application is allowed. BVLNC, J <u>Crl.A.No.215 of 2026</u> Admit the appeal. Call for the trial Court record.	

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		The Registry is directed to prepare the paper book, as soon as the trial Court record is received. List the matter in the month of August, 2026, in the usual course. BVLNC, J <i>Note: Issue C.C. by 22.04.2026</i> <i>B/o.</i> <i>cbn</i>	