

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
TUESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE



:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

IA No. 2 OF 2025

IN

CRLA NO: 285 OF 2025

Between:

Musunuri Kasiviswanadham, S/o (late) Sankartarao @sankaraiah, age
40 Years, Jangala, Sitanagaram, Tadepalli, Guntur District.

...Appellant/Accused No.5

AND

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

...Respondent/Complainant

Counsel for the Petitioner: Sri. T V V KOTESWARA RAO

Counsel for the Respondent: PUBLIC PROSECUTOR

Petition under Section 430(1) of BNSS and 389 (1) of Cr.P.C., 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 operation of the Sentence/Judgment dated 22.1.2025 & 5.3.2025 in Special Sessions case No. 20 of 2022 on the file of the I Additional sessions judge-cum-Special judge for trial of NDPS cases: Krishna, Machilipatnam and realise the Appellant /accused herein on bail while pending the main above Criminal Appeal

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).

The Court made the following ORDER:

The instant petition has been filed by the petitioner / A5 to release him on bail by suspending the execution of sentence of imprisonment imposed against the petitioner 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 petitioner along with other accused were convicted for the offence punishable under Section 8(c) r/w 20(b)(ii)(B) of the N.D.P.S. Act and the petitioner was 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 fine, he shall undergo simple imprisonment for a period of six months.

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

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

4. Learned counsel for the petitioner/ A5 would submit that the petitioner has 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 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 petitioner.

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 petitioner on bail.

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

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

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

//TRUE COPY//

AS:

SD/- M.SRINIVAS
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The I Additional Sessions Judge Cum Special Judge for Trial of NDPS Cases: Krishna, Machilipatnam.
2. The Additional Judicial Magistrate of First Class, Gudiwada.
3. One CC to Sri. T V V KOTESWARA RAO, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh, Amaravati. [OUT]
5. One spare copy

JSS

HIGH COURT

Dr. VJP, J

DATED:06/05/2025

LIST THE MATTER IN THE USUAL COURSE

BAIL ORDER

CRLA.No.285 of 2025

APPEARANCE

