

[3368]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE FIRST DAY OF MAY

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI



IA No. 1 OF 2026

IN

CRLA NO: 313 OF 2026

Between:

1. Shaik Imran, S/o. Meeravalli, aged abt 22 years, R/o.Kommaripalem Center, Vidhyadarapuram,Vijayawada, NTR District.
2. Gampa Kiran, S/o.Koteswara Rao, aged abt 23 years, R/o.RTC Work Shop Road, Bhavanipuram,Vijayawada, NTR District.
3. Eate Rahul, S/o. Raja, aged abt 21 years, R/o.Four Piller Center, Vidhyadarapuram, Vijayawada, NTR District.

...Petitioners/Appellants

(Petitioner in CRLA 313 OF 2026

on the file of High Court)

AND

The State of Andhra Pradesh, Rep.by its Public Prosecutor, High Court
of Andhra Pradesh At Amaravati.

...Respondent(s)

(Respondents in-do-)

Counsel for the Petitioner :SRI ANAND KUMAR KOCHIRI

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 passed in the SC.No.23/2020 dated 17.04.2026 passed by the SPECIAL JUDGE

CONSTITUTED UNDER THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT-CUM- I ADDL SESSIONS JUDGE, GUNTUR and release the Petitioner on Bail, Pending disposal of CRLA No. 313 of 2026, on the file of the High Court.

ORDER:

Heard Sri Anand Kumar Kochiri, learned counsel for the Petitioners/Appellants /A.1 to A.3 and learned Additional Public Prosecutor representing the State.

Petitioners are Accused No.1 and 3 in S.C.No.23 of 2020 on the file of Court of Special Judge Constituted under Narcotic Drugs and Psychotropic Substances Act-cuml Additional Sessions Judge, Guntur (for short, "the Trial Court").

Learned counsel for the petitioners would submit that petitioners/A.1 to A.3 were found guilty for the offence punishable U/s.8(c) R/w.20(b)(ii)(B) of the NDPS Act, 1985 and accordingly, they were convicted and sentenced under the impugned Judgment to undergo rigorous imprisonment for a period of Three (3) years each, and to pay a fine of Rs.5000/- (Rupees Five Thousand only) each, in default, to suffer simple imprisonment for a period of two (2) months each.

Learned counsel for the petitioners would submit that the fine amount was paid by the petitioners/A.1 to A.3.

Learned counsel for the petitioners would further submit that the petitioners/A.1 and A.2 are presently lodged in Central Prison, Nellore, while petitioner/A.3 is on bail pursuant to the suspension of sentence granted by the trial Court until 15.05.2026.

Learned counsel for the petitioners would further submit that there is no material on record to show that the petitioners involved in any offence under NDPS Act or any other Act, and there is no material to show that they will commit similar offence or any other offence, if they released on bail, suspending the sentence.

Learned counsel for the petitioners would further submit that the petitioners challenged the judgment of the trial Court on various grounds. There are fair chances to succeed in the appeal. The sentence of imprisonment imposed by the trial Court is a fixed sentence of Three (3) years and there is no possibility of hearing the appeal in near future. He would further submit the quantum of contraband involved in this case is less than the commercial quantity. Therefore, Section 37 of NDPS Act has no application to the facts of the case.

Considering all these circumstances, the order of sentence of imprisonment imposed by the trial Court may be suspended, pending disposal of the appeal and the petitioners/A.1 to A.3 may be released on bail.

Learned Additional Public Prosecutor representing the State opposed the present application. However, no written objections filed. He would further submit that the quantum of contraband involved in this case is less than the commercial quantity and Section 37 of NDPS Act has no application to the facts of the case.

Admittedly, there is no material on record to show that the petitioners/A.1 to A.3 likely to commit similar offence or any offence, while on bail, as enunciated U/s.37 of the NDPS Act, 1985. There is no likelihood of taking the appeal for hearing in coming days.

In the light of the above facts and circumstances, this Court is of the considered opinion that the sentence of imprisonment imposed by the trial Court is a fixed sentence of Three (3) years; and there is no possibility of hearing the appeal in near future and the quantum of contraband involved in this case is less than the commercial quantity and Section 37 of NDPS Act has no application to the facts of the case, **“the order of sentence of imprisonment alone imposed in S.C.No.23 of 2020 on the file of Court of Special Judge Constituted under Narcotic Drugs and Psychotropic**

Substances Actcum- I Additional Sessions Judge, Guntur under the impugned judgment dated 17.04.2026 on the petitioners/appellants/ A.1 to A.3 alone is suspended, till disposal of the appeal, and the petitioners/Appellants/A.1 to A.3 shall be released on bail, subject to the following conditions".

- I. The petitioners/A.1 to A.3 shall be enlarged on bail, on executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two (02) sureties for a like sum each, to the satisfaction of the learned trial Court.
- II. On such release, the petitioners/A.1 to A.3 shall appear before the learned trial Court, on every fourth Saturday of the month, till disposal of the Appeal.
- III. The petitioners/A.1 to A.3 shall not involve in similar offence or any other offence in future in any manner.
- IV. The petitioners/A.1 to A.3 shall not leave the country without permission of the Court.
- V. If the petitioners/A.1 to A.3 violate any of the above conditions, the prosecution is at liberty to file an application seeking cancellation of the bail.

Accordingly, this application is ordered.

**SD/- P.BRAHMA RAO
ASSISTANT REGISTRAR
SECTION OFFICER**

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For

To,

1. The SPECIAL JUDGE CONSTITUTED UNDER THE NARCOTIC DRUGS AND PHYCHOTROPIC SUBSTANCES ACT-CUM- I ADDL SESSIONS JUDGE, GUNTUR

2. The Superintendent, Central Prison, Nellore
 3. One CC to SRI. ANAND KUMAR KOCHIRI Advocate [OPUC]
 4. Two CCs to Public Prosecutor, High Court of AP [OUT]
 5. One spare copy
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HIGH COURT

BVLNC,J

DATED:01/05/2026

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

ORDER

IA No. 1 OF 2026

IN

CRLA.No.313 of 2026

IA No. 1 OF 2026 IS ORDERED

