



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**



THURSDAY, THE 17th DAY OF SEPTEMBER, 2026

**PRESENT
THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM**

**IA 1 OF 2024
IN
CRIMINAL APPEAL NO: 1178/2017**

Between:

Mandal Prakash @ Nattu @ Prakash Mandal, S/o. Purufullo Mandal
(Late), aged 29 years, R/o. Polluru Village, Chintoor Mandal, East
Godavari District, Andhra Pradesh.

...Petitioner/Accused No.6

AND

The State of Andhra Pradesh, Rep. by the Public Prosecutor, High
Court of Andhra Pradesh.

...Respondent/Complainant

Counsel for the Petitioner

Ms. Y BHANUSRI AKHILA

Counsel for the Respondent

PUBLIC PROSECUTOR (AP)

Petition under Section 430(1) of BNSS., is filed praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to Grant Bail to the petitioner by suspending the sentence passed in Sc.No.172 of 2016 dt. 08-08-2017 by the Special Sessions Judge For Trial Of The Cases Under Ndps Act-Cum-I Additional Sessions Judge, E.G: Rajamahendravaram pending disposal of the main appeal to the petitioner /Accused No.6 in the interest of justice.

The Court while directing issue of notice to the Respondents herein to show cause as to why this application should not be compiled 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:

This application is filed by the petitioner/ appellant under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to enlarge him on bail pending disposal of the appeal. The petitioner/accused was convicted and sentenced to undergo rigorous imprisonment for a period of fifteen (15) years and to pay a fine of Rs.1,50,000/- vide judgment dated 08.08.2017 passed by the learned I Additional District and Sessions Judge-cum-Special Judge for NDPS Cases, Rajamahendravaram.

2. Heard the learned counsel for the petitioner/ appellant and the learned Assistant Public Prosecutor.
3. The learned counsel for the petitioner/ appellant would argue that since 6 ½ years the petitioner has been undergoing sentence, he has two minor children, wife and aged parents and that his mother is suffering from age-related ailments, his presence is required to extend support to his wife, children and parents. Further, the investigating officer has not complied with the mandatory provisions contained in Sections 42, 52 and 52 - A of the Narcotic Drugs and Psychotropic Substances Act, 1985, and that the petitioner has substantial grounds to succeed in the main appeal.
4. Per contra, the learned Assistant Public Prosecutor opposed the application, pointing out that the case involves a commercial quantity of 360 Kgs. of Ganja, however, she fairly submitted that the petitioner is not involved in any other criminal cases and is not a habitual offender.
5. As seen from the record, at the culmination of the trial, the learned I Additional District and Sessions Judge-cum-Special Judge for NDPS

Cases, Rajamahendravaram, found the petitioner guilty of the offences punishable under Sections 8(c) and 20(b)(ii)(C) of the NDPS Act and sentenced him to undergo rigorous imprisonment for fifteen (15) years and to pay a fine of Rs.1,50,000/-. The record further discloses that the petitioner has paid the said fine amount and already undergone approximately 6½ years of the sentence imposed by the trial Court.

6. Having regard to the period of incarceration already undergone by the petitioner, which is about half of the substantive sentence imposed by the trial Court and that he has no other criminal antecedents as fairly stated by the learned Assistant Public Prosecutor, and the fact that since 2017 the main appeal has been pending and is likely to be heard shortly, this Court is of the considered view that the petitioner can be enlarged on bail pending disposal of the appeal, subject to conditions. The personal grounds pleaded by the petitioner, namely, the responsibility towards his wife, two children and aged parents, also constitute additional circumstances to be taken into consideration.

7. In the result, this petition is allowed and the petitioner/ appellant shall be enlarged on bail on execution of self-bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for the like sum each to the satisfaction of the learned I Additional District and Sessions Judge-Cum-Special Judge for NDPS Cases, Rajamahendravaram. Further, the petitioner/ appellant shall not involve in any similar offences and shall not leave the country without obtaining prior permission from the learned trial Court and in the event of violation of any of these two conditions, the prosecution is at liberty to take appropriate steps in accordance with law.

//TRUE COPY//

SD/- U.SRIDEVI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Special Sessions Judge For Trial Of The Cases Under NDPS Act-
Cum-I Additional Sessions Judge, E.G: Rajamahendravaram.
2. The Superintendent, Central Prison, Rajamahendravaram, E.G. District.
3. One CC to Ms. Y BHANUSRI AKHILA, Advocate [OPUC]
4. Two CCs to the PUBLIC PROSECUTOR, High Court of Andhra
Pradesh, Amaravati. [OUT]
5. One spare copy

JSS

HIGH COURT

SUN, J

DATED:17/09/2026

POST THE MATTER ON 16.10.2026.

ORDER

IA 1 OF 2024 IN CRLA NO. 1178 OF 2017

DIRECTION

