

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**Main Case No: Crl.A.Nos.757 and 654 of 2023****PROCEEDING SHEET**

Sl. No.	Date	ORDER	OFFICE NOTE
	22.04.2026	<u>BVLNC,J</u> <u>I.A.No.01 of 2023 in Crl.A.No.757 of 2023</u> <u>AND</u> <u>I.A.No.01 of 2023 in Crl.A.No.654 of 2023</u> Heard Sri G.Venkat Reddy, learned counsel for the petitioners/appellants/convicts/A1 to A4 and Sri C.Panini Somayaji, learned Additional Public Prosecutor representing the State. The petitioners are accused Nos.1 to 4 in NDPS S.C.No.29 of 2017 on the file of the learned Special Judge for Trial of Cases under the Narcotic Drugs and Psychotropic Substances Act, 1985-cum-I Additional District and Sessions Judge, Vizianagaram. Learned counsel for the petitioners would submit that petitioners/A1 to A4 were convicted for the offence under Section 8(c) r/w 20(b)(ii)(C) of the NDPS Act, 1985 and accordingly, they were convicted and sentenced to suffer rigorous imprisonment for a period of ten (10) years each and to pay a fine of Rs.1,00,000/- (Rupees One Lakh Only) each, in default shall undergo simple	Contd.,2

		imprisonment for a period of one (1) year each. Learned counsel for the petitioners/ appellants/A1 to A4 would further submit that the appellants have already undergone nearly three (03) years of imprisonment out of fixed sentence of ten (10) years imposed by the trial Court. There is no possibility of hearing the appeal in the near future. The appeal is filed challenging the judgment on various grounds. There is a fair chance to succeed in the appeal. Further, there is no material placed on record to show that the appellants are likely to commit similar offence or any other offence if they are released on bail, pending the appeal. There is no material to show that the appellants were earlier involved in any other offence or similar offence so as to attract Section 37 of the NDPS Act, 1985. The appellants were on bail during the trial and before, and they did not commit breach of the bail bonds. They appeared before the trial Court for every adjournment, including on the date of judgment. Considering all these circumstances, the order of sentence imposed by the trial Court may be suspended pending disposal of the appeal and the appellants may be released on bail.	Contd.,3
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		Learned Additional Public Prosecutor opposed the application. However, no written objections filed for the State. He would admit that the contraband involved in the case is 244 Kgs. Therefore, Section 37 of NDPS Act is applicable to the facts of the case and he opposed the application. He would further submit that the appellants have been in prison for the last 2 years 11 months as per the nominal roll issued by the prison authorities. He further submit that as per the information received from the police, the appellants are not involved in any similar offence or any other offences during trial of the case. Considering the above submissions, and the fact that the appellants already served nearly three (03) years of imprisonment out of fixed sentence of ten (10) years imposed by the trial Court and as there is no material on record for coming to a conclusion that the appellants are likely to commit any offence, much less similar offence, so as to apply Section 37 of NDPS Act, 1985, this Court is of the considered opinion is that, <i>“the order of sentence of imprisonment alone imposed by the learned Special Judge for Trial of Cases under the Narcotic Drugs and Psychotropic Substances Act, 1985-cum-I</i>	Contd.,4
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		<i>Additional District and Sessions Judge, Vizianagaram, vide judgment dated 09.08.2023 passed in NDPS S.C.No.29 of 2017 be suspended, pending disposal of the appeal, in respect of the petitioners/appellants/A1 to A4 only, and the petitioners/A1 to A4 shall be released on bail, subject to the following conditions”:</i> i) The petitioners/appellants/A1 to A4 shall execute 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) The petitioners/appellants/A1 to A4 shall not involve in similar offence in future in any manner. iii) The petitioners/appellants/A1 to A4 shall available for the process of the Court and shall attend the Court as and when directed by the trial Court. iv) The petitioners/appellants/A1 to A4 shall pay 20% of the fine amount before the trial Court within four (04) weeks from the date of copy of receipt of this order and file proof of the same before this Court.	
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		v) The petitioners/appellants/A1 to A4 shall not leave the country without permission of the Court. vi) If the petitioners/appellants/A1 to A4 violate any of the above conditions, the prosecution is at liberty to file an application seeking cancellation of the bail. Accordingly, the application is ordered. BVLNC,J <u>Crl.A.Nos.757 and 654 of 2023</u> Heard. Admit. List both matters in the month of August, 2026 under the caption 'final hearing'. BVLNC,J Pmk	
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