

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
MONDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO



IA No. 1 OF 2025

IN

CRLA NO: 664 OF 2025

Between:

1. Shankarsan Mishra, S/o Jagdish Mishra, Aged about 25 years, R/o Bharamarapgra Village Ganjam District, Odisha State.
2. Saroj Kumar Sahu, S/o Niranjana Sahu, Aged about 34 years, R/p Baulia Village, Puhundi Post, Ganjam District, Odisha State.

...Petitioner(s)

(Appellants/Accused Nos.1 & 2 in CRLA 664 OF 2025
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)

(Respondent in-do-)

Counsel for the Petitioners :SRI SATHEESH KUMAR EERLA

Counsel for the Respondent :PUBLIC PROSECUTOR

Petition under Section 430(1) of BNSS/ Under Section 389(1) of Cr.P.C
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 including fine amount in S.C.No.11 of 2024 on the file of the Special

Judge for trial of cases under NDPS Act - Cum - I Additional District & Sessions Judge, Srikakulam, dt.29.08.2025 and release the appellants/accused 1 & 2 on bail, Pending disposal of CRLA No. 664 of 2025, on the file of the High Court.

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).

ORDER:

Admit.

The Petitioners/ Accused Nos. 1 and 2 were found guilty for the charge under Section 20(b)(ii)(B) read with 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, and they were convicted under Section 235(2) of Cr.P.C and they were sentenced to undergo Rigorous Imprisonment for a period of 10 years each and to pay a fine of Rs. 1,00,000/- each.

Learned counsel for the Petitioners submits that there are substantial grounds raised for proving the innocence of the Petitioners.

Be that as it may, at the time of preferring the Appeal, no find amount was deposited by the Petitioners.

Considering the facts and circumstances of the case, the Judgment dated 29.08.2025 passed by the learned Special Judge for Trial of Cases under NDPS Act-Cum-I Additional District and Sessions Judge, Srikakulam (in short 'the Sessions Judge') in S.C.No.11 of 2024 is stayed subject to Petitioners depositing 30% of the fine amount before 'the Sessions Judge. On such deposit, the Petitioners/ Accused Nos.1 and 2 shall be enlarged on bail subject to their executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two

sureties for the like sum each to the satisfaction of learned Judicial Magistrate of First Class, Palasa concerned.

//TRUE COPY//

Sd/-Sk.Md.Rafi
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Special Judge for trial of cases under NDPS Act - Cum - I Additional District & Sessions Judge, Srikakulam, Srikakulam District
2. The Judicial Magistrate of First Class, Palasa, Srikakulam District
3. The Superintendent, Central Prison, Visakhapatnam, Visakhapatnam District
4. One CC to SRI. SATHEESH KUMAR EERLA Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
6. One spare copy

PSR

Note: The Extent "Special Judge for Trial of Cases under NDPS Act- Cum-I Additional District and Sessions Judge, Srikakulam" is substituted in the place of "Special Judge for Trial of cases under NDPS Act- Cum-Additional District and Sessions Judge, Srikakulam, and also "Judicial Magistrate of First Class, Palasa" concerned is substituted in the place of "Judicial Magistrate of First Class, Srikakulam, Srikakulam District" respectively in unnumbered paragraph Nos.5 as per court order dated.23.10.2025 made in I.A.No.2 of 2025, Substitute this amended order in the place of earlier order which was dispatched on 14.10.2025.

Sd/-Sk.Md.Rafi
DEPUTY REGISTRAR

HIGH COURT

DR.YLR,J

DATED:13/10/2025
(23.10.2025)

ORDER
(Amended)

IA No. 1 OF 2025
IN
CRLA NO: 664 OF 2025

BAIL

