

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE FIFTH DAY OF JANUARY,

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

IA No. 1 OF 2025

IN

CRLA NO: 854 OF 2025

Between:

Daravathu Ravi, S/o Redya, Aged 30 years, Occ Driver, R/o Chinna Vangara(V) Torruru Mandal, Warangal District, Telangana State.

...Petitioner/Appellant

(Petitioner in CRLA 854 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

(Respondents in-do-)

Counsel for the Petitioner :Sri.SRAVAN KUMAR NAIDANA

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 release the petitioner on bail by suspending the sentence dated 01-12-2025 passed in N.S.C.No.229/2015 including the Fine amount On the File Of the IX Additional District & Sessions Judge, Chodavaram, Pending disposal of CRLA No. 854 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:

Heard the learned Counsel for the Petitioner and the learned Assistant Public Prosecutor.

Petitioner is Accused No.1 in NSC No.229 of 2015 on the file of the learned IX Additional District & Sessions Judge, Chodavaram. Learned counsel for the petitioner would submit that petitioner/Accused No.1 was found guilty for the offence punishable under Section 8(c) R/w 20(b)(ii)(C) of 'the NDPS Act' and accordingly, he was convicted and sentenced under the impugned Judgment to undergo rigorous imprisonment for a period of ten (10) years and to pay a fine of Rs.1,00,000/- (Rupees One Lakh only), in default, to suffer simple imprisonment for a period of one (01) year.

Learned counsel for the petitioner would further submit that challenging the conviction and sentence along with fine amount imposed by the learned trial Court, the petitioner/A-1 preferred the present Criminal Appeal, as the Investigation Officer did not follow the mandatory provisions U/secs.42, 52A and 55 of 'the NDPS Act' and in view of the judgment of the Hon'ble Apex Court in the case of **Union of India Vs. Mohanlal AIR Online 2016 SC 606**¹. Further, there is no material to show that the accused will commit or involve in similar offence in future. Therefore, the petitioner may be enlarged on bail, pending the Appeal.

Learned Additional Public Prosecutor opposed the present application. However, no written objections were filed and there is no material to show that the likelihood of committing similar offence by the petitioner, if he is released on bail.

Considered the submissions of the learned counsel for the petitioner. Perused the record. The omissions made by the Investigation Officer, pointed

¹ AIROnline 2016 SC 606

out by the learned counsel for the petitioner regarding non-compliance of the mandatory provisions under Sections 42, 52A and 55 of 'the NDPS Act', *prima facie* show that the learned Trial Court did not consider him in proper perspective. It is settled law in the light of the judgments of the Hon'ble Apex Court in the cases of **Union of India *supra***, **Karnail Singh v. State of Haryana (2009) 8 SCC 539**, and **State of Punjab v. Baldev Singh (1999) 6 SCC 172**, any violation of the mandatory provisions will go to the root of the matter and vitiates the case of the prosecution.

Admittedly, there is no material on record to show that the accused likely to commit similar offence or any offence, while on bail, as enunciated under Section 37 of 'the NDPS Act'. 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 order of sentence of imprisonment alone imposed in N.S.C.229 of 2015 on the file of the learned IX Additional District & Sessions Judge, Chodavaram, under the impugned judgment dated 01.12.2025 on the Petitioner/Appellant/Accused No.1 alone be suspended, till disposal of the appeal, and the Petitioner/Appellant/Accused No.1 shall be released on bail, subject to the following conditions:

- i. The Petitioner/Accused No.1 shall be enlarged on bail, on executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand Only), with two (02) sureties for a like sum each, to the satisfaction of the learned Trial Court.
- ii. The Petitioner/Accused No.1 shall pay 10% (Ten Percent) of the fine amount within four (04) weeks from the date of receipt of copy of this order before the learned Trial Court and file receipt before this Court.
- iii. On release, the Petitioner/Accused No.1 shall appear before the learned Trial Court, on every fourth Saturday of the month, till disposal of the Appeal.

- iv. The Petitioner/Accused No.1 shall not involve in similar offence in any manner.
- v. The Petitioner/Accused No.1 shall not leave the country without permission of the Court.
- vi. If the Petitioner/Accused No.1 violates 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/-B.Prasada Rao,
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

- 1. The IX Additional District & Sessions Judge, Chodavaram
- 2. One CC to SRI. SRAVAN KUMAR NAIDANA Advocate [OPUC]
- 3. Two CCs to PUBLIC PROSECUTOR, High Court of A.P [OUT]
- 4. The Superintendent, Central Prison, Visakhapatnam.
- 5. One spare copy

HIGH COURT

DR.YLR,J

DATED:05/01/2026

POST AFTER TWO (02) MONTHS

ORDER

I.A.No.1 of 2025

IN

CRLA.No.854 of 2025

ORDERED

