

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SMT JUSTICE K. SUJANA

I.A.No.2 OF 2026

IN

CRLA NO: 403 OF 2026

Between

Rajashekarni Laxman Rao, S/o Anjaneyulu

...Appellant/Accused No.1

(Appellant in CRLA NO: 403 OF 2026
on the file of High Court)

AND

The State of Telangana, Represented by its Public Prosecutor, High Court for the State of Telangana, High Court, Hyderabad. Through Hanumakonda Police Station.

...RESPONDENT

(Respondent in-do-)

Counsel for the Petitioner: SRI S GANESH

Counsel for the Respondent: ADDL. PUBLIC PROSECUTOR

Application under Section 430(1) of B.N.S.S. praying that in the circumstances stated in the Interim Bail Application, the High Court may be to suspend the operation of the conviction and suspension of sentence of fine an amount of Rs.2,00,000/- (Two lakhs Rupees), sentence passed in S.C.(NDPS) No.10 of 2023, dated 25-03-2026, on the file of the Special Sessions Judge For NDPS Cases-Cum-I Additional Sessions Judge, Hanumakonda and release the Petitioner/A1 on bail during the pending disposal of the CRLA.

The Court made the following

ORDER:

This Interlocutory Application s filed with a prayer to grant bail to the petitioner dated 25.03.2026 passed in S.C.(NDPS) No.10 of 2023 by the learned Special Sessions Judge for NDPS Cases-cum-I Additional Sessions Judge, Hanumakonda. Accused Nos. 1 to 3 were each

sentenced to 10 years rigorous imprisonment and a fine of Rs.1,00,000/- (in default, 6 months simple imprisonment) for the offence under Section 21 NDPS Act read with Section 34 IPC, and 10 years rigorous imprisonment with a fine of Rs.1,00,000/- (in default, 6 months simple imprisonment) for the offence under Section 22(c) NDPS Act read with Section 34 IPC. The total fine imposed on all three accused is Rs.6,00,000/-.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor.

Learned counsel for the petitioner submitted that the conviction is unsustainable due to serious contradictions and deficiencies in the prosecution evidence, as several key witnesses turned hostile, material witnesses gave inconsistent statements regarding seizure, colour of the contraband, preparation of panchanama, and presence of panch witnesses, thereby creating grave doubt about the alleged recovery and investigation. He further contended that the mandatory procedure under Section 52-A of the NDPS Act was not properly followed, as the inventory certificate lacked essential details, no certified photographs of the seized contraband or sample-drawing process were produced, and therefore the statutory presumption under Section 54 could not have been invoked against the petitioner. He contended that though there is no evidence on record to prove the allegations against the petitioner, the trial Court erroneously convicted the petitioner and that he is having good grounds to succeed in the appeal and the final hearing of

the appeal may be taken considerable time. Therefore, he prayed the Court to allow this petition.

On the other hand, the learned Additional Public Prosecutor appearing for respondent, opposed the bail petition, contending that there is no illegality in the order of the trial Court and that the trial Court has rightly passed the impugned order. He further submitted that there are one other cases pending against the petitioner. Therefore, while advocating that there is ample evidence on record against the petitioner, he prayed the Court to dismiss the petition.

Perused the contents of the affidavit filed in support of the petition.

In the light of the rival submissions and upon consideration of the material available on record, it appears that there are specific and grave allegations against the petitioners involving offences under the NDPS Act relating to commercial quantity contraband. The trial Court has already considered in detail the contentions raised regarding alleged procedural irregularities, including delay in forwarding samples to the Forensic Science Laboratory and alleged non-compliance with the mandatory provisions of the NDPS Act. The record further discloses that the seized contraband was produced before the competent Court in a sealed condition, inventory proceedings were undertaken under judicial supervision, and samples were drawn and forwarded for chemical examination. At this interlocutory stage, no

patent illegality, perversity, or glaring infirmity in the judgment of conviction has been demonstrated so as to warrant suspension of sentence.

It is also noticed that the petitioners were convicted recently and have undergone only a limited period of post-conviction custody. Having regard to the rigour of Section 37 of the NDPS Act, the seriousness of the offence, and the quantity of contraband involved, this Court is required to exercise greater caution while considering suspension of sentence. The principles laid down by the Hon'ble Supreme Court in Daler Singh v. State of Punjab also indicate that custody undergone is a relevant consideration in such matters, and the petitioners have not completed the minimum period ordinarily warranting such indulgence. No exceptional or special circumstances are shown to justify departure from the settled principles.

Accordingly, this Interlocutory Application is dismissed.

Sd/- MOHD.ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Sessions Judge For NDPS Cases-Cum-I Additional Sessions Judge, Hanumakonda.
2. The Station House Officer, Police Station Hanumakonda.
3. One CC to Sri S.GANESH, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. One spare copy

HIGH COURT

SKS, J

DATED:23-04-2026

LIST ON 29.06.2026

ORDER

**I.A.No. 2 OF 2026
IN
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DISMISSING THE I.A.

