

**HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD**

MAIN CASE No: CrI.A.Nos.403 AND 410 OF 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	30.06.2026	<u>SKS, J</u> <u>CRL.A.NOS.403 OF 2026</u> <u>AND</u> <u>CRL.A.NOS.410 OF 2026</u> ADMIT List these appeals on 03.08.2026 for hearing. Meanwhile, registry is directed to call for the records from the trial Court, prepare paper book and put up in the bundles by the next date of hearing. <u>I.A.No.3 of 2026 IN CRL.A.NO.403 OF 2026</u> <u>AND</u> <u>I.A.No.1 of 2026 IN CRL.A.NO.410 OF 2026</u> Heard learned counsel for the petitioners/appellants/Accused Nos.1 and 2 appearing in the respective appeals and learned Additional Public Prosecutor. These applications are filed by the petitioners/appellants praying this Court to suspend the sentence dated 25.04.2026 passed in S.C.(NDPS).No.10 of 2023 by the Special Sessions Judge for NDPS Cases-cum-I-Additional Sessions Judge, Hanumakonda and to grant bail to them. The petitioners herein are accused Nos.1 and 2 in the said case and they were convicted and sentenced to undergo Rigorous Imprisonment for a	Tr. to I.O. folder before corrections, if any.

	period of 10 years each and to pay a fine of Rs.1,00,000/-(Rupees One lakh only) each for the offence punishable under Section 21 of NDPS Act r/w. Section 34 of IPC and in default of payment of fine amount, to undergo Simple Imprisonment for a period of 6 months each. The accused Nos.1 and 2 are further sentenced to undergo Rigorous Imprisonment for a period of 10 years each and to pay a fine of Rs.1,00,000/- (Rupees One lakh only) each the offence punishable under Section 22(c) of NDPS Act r/w. Section 34 of IPC, and in default of payment of fine amount, to undergo Simple Imprisonment for a period of 6 months each and both the sentences are directed to run concurrently. The main contention of learned counsel for the petitioners is that the investigating authority has not followed the procedure prescribed under Section 42 of the NDPS Act and the trial Court failed to appreciate the same and wrongly convicted the petitioners. Further, there are good grounds for the petitioners to succeed in this appeal. Hence, requested this Court to grant bail to the petitioners by suspending the sentence imposed against the petitioners by the trial Court. On the other hand, learned Additional Public Prosecutor opposed bail on the ground that there is no flaw in the judgment of trial Court and there are no lapses in the investigation. The trial Court rightly convicted the petitioners and requested this Court to dismiss these petitions. Considering the submissions made by the respective counsel and material on record, the main	
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		contention of petitioners is that there is no document on record to show that the defacto complainant sent information in writing to the superior officer under Section 42 of NDPS Act and non-compliance of the same vitiates the trial itself. In support of their contention learned counsel relied on the judgment in State of Karnataka V Dondusa Namasa Baddi¹, wherein the Hon'ble Supreme Court observed that non-compliance with the mandatory requirements of Section 42 of the NDPS Act regarding recording and forwarding information to superior officers is fatal to the prosecution case. Further inventory is prepared by Executive Magistrate and according to the provisions, a Judicial Magistrate has to prepare the inventory and on that ground also petitioners are entitled for suspension of sentence. Going through the said contentions, and also perusal of the material on record, no document is marked by the trial Court to show that Section 42 of NDPS Act is complied and further inventory is prepared by Executive Magistrate which is also not in accordance with law. As such, the sentence imposed against the petitioners is liable to be suspended. Accordingly, both the applications are allowed suspending the sentence alone imposed by the trial Court and petitioners are granted bail till disposal of these appeals on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) each with two sureties for a like sum each to the satisfaction of Special Sessions Judge for NDPS Cases-cum-I-Additional Sessions Judge, Hanumakonda.	
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¹ (2010) 12 Supreme Court Cases 495

		Further during bail, the petitioners shall not indulge in any criminal acts.	
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SKS,J

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