

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: CrI.A.No.416 of 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
3.	01.05.2026	<u>SKS, J</u> <u>CrI.A.No.416 of 2026</u> Admit. List on 10.07.2026. In the meanwhile, the Registry is directed to call for records from the trial Court. <u>SKS, J</u> <u>I.A.No.1 of 2026</u> This Interlocutory Application is filed with a prayer to enlarge the petitioners-appellants-accused Nos.1 to 3 on bail by suspending the sentence imposed <i>vide</i> judgment dated 07.04.2026 in S.C.(NDPS) No.34 of 2022(Old SC No.2 of 2020) passed by the learned Principal Sessions Judge at Peddapalli, wherein the petitioners was found guilty for the offence punishable under Sections 29 and 8(c) read with 20(b)(ii)(C) of the NDPS Act and was sentenced in aggregate to undergo rigorous imprisonment for a period of twelve years and to pay fine of Rs.2,00,000/- each and in default of payment of fine to undergo simple imprisonment for a period of six months for the abovementioned	

	offences. Heard Sri Raghunath Reddy, learned Senior Counsel appearing on behalf of Ms. V. Sanjana, learned counsel for the petitioners and Sri E. Ganesh, learned Assistant Public Prosecutor. Learned Senior counsel for the petitioners submitted that the samples were seized on 19.02.2019, but the requisition to the learned Magistrate for drawing samples was made only on 16.04.2020, without any explanation for the delay. In view of the judgment of the Hon'ble Apex Court in Union of India Vs. Mohanlal¹, the inventory is required to be conducted immediately after seizure and the samples must be sent to the FSL without delay. The present case, shows a considerable delay in preparing the inventory. He further submitted that there is a variation in the weights of the narcotic substance, inasmuch as 150 grams of each sample was lifted, whereas in the letter of advice it was mentioned as 2 kilograms and 150 grams each and that testing was conducted on only one packet out of each of the 22 packets allegedly belonging to the petitioner and that, initially, the alleged contraband was said to have been recovered from the dickey of the vehicle, which was subsequently seized, but later it was alleged that the same contraband was recovered from accused Nos. 1 to 3. These inconsistencies, however, were not considered by the trial Court. Despite	
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¹ (2016) 3 SCC 379

	discrepancies in the recovery of ganja and non-compliance with the mandatory provisions of the NDPS Act, the trial Court erroneously convicted the petitioners and that the petitioners have strong grounds to succeed in the appeal. Therefore, he prayed the Court to allow the petition. On the other hand, the learned Assistant Public Prosecutor opposed the bail petition, contending that there is no irregularity or illegality in the judgment of the trial Court and the trial Court rightly sentenced the petitioners and that there are no merits in the petition. Perused the contents of the affidavit filed in support of the petition. Having regard to the rival submissions made by the learned Senior Counsel for the petitioners and the learned Assistant Public Prosecutor, this Court deems it fit to suspend the sentence of imprisonment alone imposed against the petitioners till the disposal of the Appeal. Accordingly, the sentence of imprisonment alone is suspended till the disposal of the appeal, and the petitioners are directed to be released on bail upon executing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like sum each, to the satisfaction of the learned Principal Sessions Judge at Peddapalli.	
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