

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SMT JUSTICE K. SUJANA

I.A.No. 2 OF 2026

IN

CRLA NO: 746 OF 2026

Between

Bhag Chand Bairwa, S/o. Bherulal Bairwa

...Petitioner/Appellant

(Appellant in CRLA NO: 746 OF 2026
on the file of High Court)

AND

The State of Telangana, Rep. by Public Prosecutor, High Court at Hyderabad, Through The Assistant Prohibition and Excise Superintendent, Khammam District.

...Respondent/Respondent

(Respondents in-do-)

Counsel for the Petitioner: SRI ANUGANTI PRANEETH

Counsel for the Respondent: ASST. 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 pleased to suspend the judgment of conviction and sentence passed in S.C. No.39 of 2024 dt.04-12-2025 on the file of the Court of Special Sessions Judge for Trial of Cases under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985-cum-I Additional Sessions Judge, Khammam and enlarge the appellant on bail;

The Court made the following

ORDER:

Heard learned counsel for the petitioner/appellant and learned Assistant Public Prosecutor.

This application is filed by the petitioner/appellant praying this Court to suspend the sentence dated 04.12.2025 passed in S.C.No.39 of 2024 by the Special Sessions Judge for Trial of Cases under the Narcotic Drugs and Psychotropic Substances Act, 1985-cum-I-Additional Sessions Judge, Khammam and to grant bail to him.

The petitioner herein is accused No.1 in the said case and he was convicted and sentenced to undergo R.I for a period of twenty (20) years and to pay fine of Rs.1,00,000/- in default of payment of fine to undergo R.I for six months for the offence punishable under Section 8(c) r/w.20 (b)(ii)(C) of the NDPS Act.

The main contention of learned counsel for the petitioner is that though both the panch witnesses have turned hostile, the trial Court erroneously convicted the petitioner herein. Pw.1 who is the investigating officer also stated in his evidence that they are stock witnesses. There are good grounds for the petitioner to succeed in this appeal and requested this Court to suspend the sentence by granting bail to the petitioner.

On the other hand, learned Assistant Public Prosecutor opposed bail and contended that the seized contraband is a commercial quantity and merely the panch witnesses turned hostile does not lead to acquittal and further inventory is prepared by the Court and there are no procedural lapses in the investigation. Hence, there is no illegality in the judgment of trial Court and prayed to dismiss this petition.

Considering the submissions made by both the counsel and the material on record, merely on the ground that panch witnesses turned hostile does not entitle the petitioner for grant of bail and further the contraband seized is a huge commercial quantity, as such, in view of rigor of Section 37 of NDPS Act, petitioner is not entitled to bail and the same is liable to be dismissed.

Accordingly, this interlocutory application is dismissed.

Sd/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Sessions Judge for Trial of Cases under the Narcotic Drugs and Psychiatric Substances (NDPS) Act, 1985-cum-I Addl. Sessions Judge, Khammam.
2. The Superintendent, Central Prison, Cherlapalli, Medchal-Malkajgiri.
3. The Assistant Prohibition and Excise Superintendent, Khammam.
4. One CC to Sri ANUGANTI PRANEETH, Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
6. One spare copy

HIGH COURT

SKS, J

DATED: 20-07-2026

LIST ON 27-08-2026 FOR HEARING

ORDER

I.A.No. 2 OF 2026

IN

CRLA NO: 746 OF 2026

DISMISSING THE I.A.

