

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SMT JUSTICE K. SUJANA

**I.A.No.1 OF 2026 IN CRLA NO: 859 OF 2025
AND
I.A.No.1 OF 2025 IN CRLA NO: 879 OF 2025**

I.A.No.1 OF 2026 IN CRLA NO: 859 OF 2025

Between

Gaddam Buvan @ Yeruguntla Raviteja

...Appellant/Accused No.2

(Appellant in CRLA NO: 859 OF 2025
on the file of High Court)

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana
At Hyderabad.

...Respondent

(Respondent in-do-)

Counsel for the Petitioner: SRI PILLI KARTHIK

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 pleased to suspend the execution of the sentence of imprisonment imposed on the petitioner/Accused No.2 in SC (NDPS) No.102 of 2021 on the file of the court of the Special Sessions Judge for Trial of Cases under the Narcotic Drugs and Psychotropic Substances Act, 1985-cum- I Additional Sessions Judge at Khammam dt.12.08.2025 and direct to release the petitioner/ Accused No.2 on bail pending in Crl. Appeal No. 859 of 2025;

I.A.No.1 OF 2025 IN CRLA NO: 879 OF 2025

Between

Mallesh @ NaikMallesh S/o. Srinivasulu @ Venkatramulu

...Appellant/A-1

(Appellant in CRLA NO: 879 OF 2025
on the file of High Court)

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana At Hyderabad.

...Respondent
(Respondent in-do-)

Counsel for the Petitioner: SRI CH RAVINDER

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 pleased to suspend the sentence of imprisonment passed in SC (NDPS) No.102 of 2021 on the file of the Court of Special Sessions Judge for Trial of Cases under the Narcotic Drugs And Psychotropic Substances Act, 1985- Cum - I Additional Sessions Judge at Khammam dated 12-08-2025 and release the Appellant/A-1 on bail.

The Court made the following

ORDER:

These Interlocutory Applications are filed with a prayer to enlarge the petitioners on bail by suspending the judgment and sentence imposed against the petitioners dated 12.08.2025 passed in S.C. (NDPS).No.102 of 2021 by the Special Sessions Judge for Trial of Cases under the Narcotic Drugs and Psychotropic Substances Act, 1985-cum-I Additional Sessions Judge at Khammam.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing on behalf of the respondent-State

Learned counsel for the petitioners submitted that there has been clear non-compliance with the mandatory provisions of NDPS Act, reflecting an unexplained and inordinate delay, which vitiates the prosecution case and that there exists a material discrepancy in the weight of the contraband, which is a substantial and unexplained variation and that the petitioners are in judicial custody since 12.08.2025 and 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 these petitions.

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. Therefore, while advocating that there is ample evidence on record against the petitioners, he prayed the Court to dismiss the petitions.

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

In the light of the submissions made by both the learned counsel and upon perusal of the material available on record, the principal contention of the learned counsel for the petitioners is that there has been non-compliance with the mandatory provisions under Sections 52, 52A, and 57 of the NDPS Act and that there was an inordinate delay in preparing the inventory and issuing the certificate. Although the alleged offence was committed on 28.04.2021, the inventory was prepared only on 16.06.2021, which, according to the petitioner, demonstrates non-adherence to the mandatory procedure by the Investigating Officer. On this ground, it is argued that the petitioners are entitled to acquittal, and consequently, the sentence of imprisonment ought to be suspended. However, the record reveals that the requisition for preparation of the inventory was made by the Investigating Officer on 21.04.2021 itself. The subsequent delay in preparation of the inventory, which was ultimately done on 16.06.2021, cannot be attributed to any lapse on the part of the Investigating Officer, as the request was made promptly. Therefore, such delay does not enure to the benefit of the accused.

Another contention raised by the learned counsel for the petitioners is that there is a significant discrepancy in the weight of the contraband, that while the contraband seized was allegedly 200 kilograms, the weight recorded before the learned Magistrate is shown as 212.60 grams, which is a substantial variation, suggesting false implication of the petitioners. In this regard, the trial Court has observed that since the contraband involved is of a large quantity (ganja), the variation in weight may be attributable to the use of different weighing instruments by the Investigating Officer and the learned Magistrate. Upon consideration of the submissions and findings of the trial Court, it is pertinent to note that Section 52A of



the NDPS Act provides that the inventory prepared and certified by the Magistrate shall be treated as primary evidence. The initial weighing conducted by the Investigating Officer is only a tentative measure for the purpose of remand and further proceedings. Therefore, minor discrepancies in weight cannot, by themselves, be a ground to discard the prosecution case or to grant bail.

Having regard to the gravity and seriousness of the allegations, this Court is not inclined to grant bail to the petitioners and the same are liable to be dismissed.

Accordingly, these Interlocutory Applications are dismissed.

Sd/- B.REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Special Sessions Judge for Trial of Cases under the Narcotic Drugs and Psychotropic Substances Act, 1985-cum- I Additional Sessions Judge at Khammam.
2. The Superintendent, Central Prison Cherlapally, Medchal-Malkajgiri.
3. One CC to Sri. PILLI KARTHIK Advocate [OPUC]
4. One CC to Sri. CH. RAVINDER, 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: 05-05-2026

LIST ON 14-07-2026

ORDER



**I.A.No.1 OF 2026 IN CRLA NO: 859 OF 2025
AND**

I.A.No.1 OF 2025 IN CRLA NO: 879 OF 2025

DISMISSING THE BOTH I.As.