

HIGH COURT FOR THE STATE OF TELANGANA**MAIN CASE: CrI.A.No.1062 of 2025****PROCEEDING SHEET**

Sl. No.	DATE	ORDER	OFFICE NOTE
1.	16.09.2026	<u>BRMR, J</u> <u>I.A.No.1 of 2026</u> Learned counsel for the petitioner-A1 submits prosecution has failed to prove charges against the petitioner – A1 and he was convicted vide judgment dated 09.09.2025 in NDPS SC No.79 of 2020 passed by the learned I Additional District and Sessions Judge, Sangareddy, since then he is in jail. Personal search of the petitioner – A1 was not conducted in the presence of independent Gazetted Officer or before the Magistrate concerned, but in the present case personal search of the petitioner – A1 was conducted before PW.2, who was present in the team. On 08.02.2018, PW.3 has drawn the samples from two bags at the scene of offence, not in the presence of the learned Magistrate. Petitioner – A1 has strong case in succeeding the appeal and prayed to suspend execution of the sentence and enlarge him on bail. Petitioner – A1 along with A2 – Karuna Sarkar and A3 – Madhab Mandal were tried in NDPS SC No.79 of 2020 for the offence under Section 8 (c) read with 20 (b) (ii) (C) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short, 'NDPS Act') before the learned I Addl. District and Sessions Judge, Sangareddy, after full – fledged trial the	

	petitioner – A1, A2 – Karuna Sarkar and A3- Madhab Mandal were convicted and sentenced to undergo Rigorous imprisonment for a period of 10 years each and shall pay fine of Rs.1,00,000/- each, in default of payment of fine, each accused shall undergo simple imprisonment for a period of one year each. PW.1 – Md.Azeez, turned hostile and he deposed that no panchanama was conducted and nothing is seized in his presence. PW.2 – S.Ramesh Reddy, Prohibition and Excise Inspector, SHO, Atmakur, deposed that on search of A1 to A3, they found total 22 Kgs of dry ganja and the same was seized. In his cross-examination, he stated that there is no mention in panchanama where the contraband was weighed and the scene of offence is surrounded by residential houses. PW.3 – H.A.Mohan Kumar, Prohibition and Excise Inspector, Office of Peshi of Excise Minister deposed that he collected both samples. In his cross examination he has stated that he has not mentioned about the details of seized mobile phones and description of bags containing contraband in the raid report. He has also not mentioned the name of the witnesses with whom he has sent the constable to weigh the contraband and letters A & B are inserted in Page No.3 of panchanama. PW.4- MD.Fahimuddin turned hostile and he deposed that no panchanama was conducted and nothing is seized in his presence. PWs.1 and 4, who are panch witnesses and for seizure report turned hostile and the rest of the	
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		witnesses are all police officers, who have participated in the team. Admittedly, samples are not drawn before the Magistrate concerned, but the very samples were draw by PW.3 from two bags of the scene of offence. Petitioner – A1 has made out a case for grant of bail. This Court is conscious of the fact that petitioner – A1 is permanent resident of Odissa State, if stringent conditions are imposed while enlarging him on bail will meet the ends of justice. Since the petitioner-A1 has strong case in succeeding the appeal, the Judgment passed by the learned I Additional District & Sessions Judge, Sangareddy in NDPS SC No.79 of 2020 is suspended and bail is granted on executing a personal bond for Rs.50,000/- (Rupees Fifty thousand only) <u>with two local sureties</u> for a like sum each to the satisfaction of the trial Court. The petitioner – A1 shall not commit similar offence. In the event of violation of any of the conditions, the prosecution is at liberty to file an application for cancellation of bail. BRMR,J YVL	
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