

THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE FIFTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SMT JUSTICE K. SUJANA

IA No. 1 OF 2026

IN

CRLA NO: 129 OF 2026

Between:

1. Sujit Goldar, S/o Shibapatel Goldar
2. Manojet Roy, S/o Samar Roy

Appellants/Accused No.3 and 4 ✓
(Appellants in CRLA 129 OF 2026
on the file of High Court)

AND

State of Telangana, Rep. by P.P. High Court for the State of Telangana at Hyderabad.

...Respondent ✓
(Respondent in-do-)

Counsel for the Petitioner : SRI G.RAVI CHANDRA SEKHAR

Counsel for the Respondent : ADDL. PUBLIC PROSECUTOR

Petition under Section 430(1) of BNSS, praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the sentence dated 25-11-2025 passed in S.C.No.223 of 2022 on the file of Special Sessions Judge For Trial Of Cases Under The Narcotic Drugs And Psychotropic Substances (NDPS) Act -Cum- I Additional Sessions Judge at Bhadradri Kothagudem and grant bail to the petitioners in Criminal Appeal of 2026, pending disposal of CRLA No.129 of 2026, on the file of the High Court. ✓

The Court made the following

ORDER:

This Interlocutory Application is filed with a prayer to enlarge the petitioners on bail by suspending the sentence imposed against the petitioners dated 25.11.2025 passed in S.C NDPS No.223 of 2022 by Special Sessions Judge for Trial of Cases under the Narcotic Drugs and ✓

Psychotropic Substances Act, 1985-cum-I Additional Sessions Judge at Bhadradi Kothagudem District. The petitioners were convicted for the offence under Section 8(c) read with Section 20(b)(ii)(C) of the NDPS Act, 1985, and were sentenced to undergo rigorous imprisonment for a period of ten (10) years each and to pay a fine of Rs.1,00,000/- each, in default to undergo simple imprisonment for six (6) months each.

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

Learned counsel for the petitioners submitted that the trial Court had erred in convicting the appellants by overlooking serious procedural lapses and contradictions in the prosecution case, particularly the unexplained delay in drawing and forwarding samples, non-compliance with Section 52A of the NDPS Act and the Standing Orders, and the failure to draw samples in the presence of the accused, thereby creating serious doubts about the integrity and safe custody of the seized contraband. He further contended that there was non-compliance with mandatory provisions such as Section 50 of the NDPS Act relating to personal search, and that the trial Court had wrongly relied upon the presumptions under Sections 35 and 54 of the Act despite inconsistencies in the evidence of prosecution witnesses, thereby rendering the conviction unsustainable. He further submitted that the petitioners are 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 this petition.

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 petition.

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

In the light of the rival submissions, this Court found that there were specific and serious allegations against the petitioners and that the trial Court had, in detail, considered the contentions regarding alleged procedural lapses, including delay in sending the contraband to the Forensic Science Laboratory and alleged non-compliance with Sections 50 and 52A of the NDPS Act. Ex.P98 disclosed that the seized contraband was produced before the competent Court in a sealed condition and that the learned Magistrate certified the inventory and supervised the drawing of samples before forwarding them to the FSL. At this stage, no patent illegality or perversity was demonstrated warranting suspension of sentence.

It was further noted that the petitioners were convicted on 25.11.2025 and had been in custody since the date of conviction, having undergone only a limited period of post-conviction incarceration. Considering the rigour of Section 37 of the NDPS Act and the gravity of the offence involving commercial quantity, this Court also took into account

the principles laid down in Daler Singh v. State of Punjab, wherein custody-based parameters were indicated for suspension of sentence in NDPS matters. As the petitioners had not undergone the minimum period of custody contemplated therein, and in the absence of exceptional circumstances, this Court was not inclined to suspend the sentence.

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 Psychotropic Substances (NDPS) Act -Cum- I Additional Sessions Judge at Bhadradi Kothagudem.
2. The Superintendent, Central Prison, Cherlapally, Medchal-Malkajgiri District.
3. One CC to SRI G.RAVI CHANDRA SEKHAR, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
5. One spare copy

HIGH COURT

SKS, J

DATED:05.03.2026

LIST ON 22.04.2026

ORDER

I.A.No.1 of 2026

IN

CRLA.No.129 of 2026

DISMISSED THE I.A.

