

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: CrI.A.No.1339 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
08.	19.01.2026	<u>SKS, J</u> <u>CrI.A.No.1339 of 2025</u> Admit. List on 05.02.2026. In the meantime, Registry is directed to call for record from the trial Court and prepare paper book and place before this Court. <u>I.A.No.1 of 2025</u> This Interlocutory Application is filed with a prayer to suspend the sentence against the petitioner dated 27.11.2025 passed in S.C.(NDPS) No.06 of 2024 by the Principal Sessions Judge, Asifabad. Heard learned counsel for the petitioner and learned Additional Public Prosecutor. Learned counsel for the petitioner submitted that there is no evidence on record to substantiate the allegations made against the petitioner and that no document has been filed by the prosecution to establish that the petitioner is the owner of the property in question. Despite the absence of such evidence, the trial Court erroneously convicted the petitioner. He further submitted that, as per the seizure panchanama, the prosecution allegedly	

	seized 340 ganja plants weighing about 147 kilograms. However, there is no clarity or material on record to show that the seized plants constitute the flowering or fruiting tops of the plant, as required under law. He contended that the petitioner has strong and substantial grounds to succeed in the appeal. He further contended that the final hearing of the appeal is likely to take considerable time. Therefore, he prayed the Court to suspend the sentence by allowing this Interlocutory Application. 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 petitioner, he prayed the Court to dismiss the petition. Perused the contents of the affidavit filed in support of the petition. Having regard to the rival submissions and on perusal of the material on record, this Court finds that the petitioner has made out a prima facie case for suspension of judgment, particularly in view of the grounds urged in the appeal. Further, there is no clarity in the judgment of the trial Court as to whether the seized plants constitute the flowering or fruiting tops of the plant. Considering the facts and circumstances of	
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		the case, this Court is of the view that the sentence of imprisonment can be suspended pending disposal of the criminal appeal, subject to conditions. In the result, the sentence imposed on the petitioner/accused No.2 <i>vide</i> judgment dated 27.11.2025 passed in S.C.(NDPS) No.06 of 2024 by the Principal Sessions Judge, Asifabad, is hereby suspended pending disposal of the criminal appeal, subject to the petitioner executing a personal bond of Rs.25,000/- (Rupees Twenty-Five Thousand Only) with two sureties of the like sum each, to the satisfaction of the Principal Sessions Judge (NDPS), Asifabad. During bail, the petitioner/appellant/accused No.2 shall not indulge in any criminal acts, and in case of failure to do so, the respondent – State is at liberty to file petition for cancellation of bail. SKS, J SS	
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