

**HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD**

MAIN CASE No: CrI.A.Nos.1313 AND 1332 OF 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	05.03.2026	<u>SKS, J</u> <u>CRL.A.Nos.1313 and 1332 OF 2025</u> Admit. List on 02.04.2026. Meanwhile registry is directed to call for records from the trial Court and prepare paper book and put up in the bundle by the next date of hearing. <u>I.A.No.1 of 2026 IN CRL.A.NO.1313 OF 2025</u> <u>AND</u> <u>I.A.No.1 of 2026 IN CRL.A.NO.1332 OF 2025</u> Heard learned counsel for the petitioners/appellants/A.1 and A.5 in the respective appeals and learned Additional Public Prosecutor. These applications are filed by the petitioners praying this Court to suspend the sentence dated 26.11.2025 passed in S.C (NDPS).No.61 of 2022 by the Special Sessions Judge for Trial of Narcotic Drugs and Psychotropic Substances Act Cases-cum-Principal District & Sessions Judge, Jayashankar Bhupalpally, wherein the petitioners herein were convicted and sentenced to undergo R.I for ten years and to pay fine of Rs.1,00,000/- each in default of payment of fine to undergo S.I for one year each for the offence punishable u/s.8(c) r/w.20(c) of the NDPS Act. The contention of learned counsel for the petitioners is that petitioners are innocents of the said allegations and the trial Court erroneously convicted	Tr. to I.O/daily orders folder before corrections, if any.

		them. There are violations of conditions mentioned in the NDPS Act and also in the standing orders. The investigating authority violated the conditions imposed under Section 55 of NDPS Act and there is no such inventory prepared by the investigating authority. In view of the judgment of the Hon'ble Supreme Court in Union of India V Mohanlal & another¹, defective procedure leads to acquittal of accused and one of the panch witness Pw.12 clearly deposed that on 21.12.2021 at about 8.30 a.m, the police went to his house at Gandhi Nagar and they informed that on the night they caught hold the ganja and burnt the same at Gandhi Nagar Village. That the police conducted panchanama and obtained their signatures. Though he stated that he was not present at the time of seizure of contraband and the same was already burnt, learned Public Prosecutor did not cross-examine the said witness which itself shows that the police have not prepared inventory. Further, the petitioners herein stand on identical footing with A.2, A.3 and A.4 and this Court already granted bail to them. The petitioners herein were also granted bail in Cr.No.321 of 2024 of Narsampet Police Station, Warangal. As such, requested this Court to grant bail by suspending the sentence imposed against the petitioners. On the other hand, learned Additional Public Prosecutor opposed the same on the ground that there is no flaw in the judgment of trial Court and mere violation of procedure is not a ground to acquit the	
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¹ AIR Online 2016 SC 606

		accused in view of the judgment in Narcotics Control Bureau V Kashif² and requested this Court to dismiss this petition. Considering the submissions made by the respective counsel and the material on record, the petitioners herein mainly relied on the evidence of Pw.12 who is one of the panch witnesses. According to the said witness, he was not present at the time of seizure and police obtained his signature on panchanama. He also stated that the contraband was also burnt. Further, the said witness was not cross-examined by the learned Public Prosecutor. Considering the evidence of Pw.12 which is unchallenged by the prosecution, this application is allowed suspending the sentence alone imposed by the trial Court and petitioners/A.1 and A.5 respectively are granted bail till disposal of these appeals on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) each with two sureties for a like sum each to the satisfaction of Special Sessions Judge for Trial of Narcotic Drugs and Psychotropic Substances Act Cases-cum-Principal District & Sessions Judge, Jayashankar Bhupalpally. Further during bail, the petitioners shall not indulge in any criminal acts. SKS,J Rds	
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