

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: Crl.A.No.1408 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
07.	08.04.2026	<u>SKS, J</u> <u>I.A.No.1 of 2025</u> This Interlocutory Application is filed with a prayer to suspend the sentence and judgment against the petitioner dated 15.12.2025 passed in NDPS SC.No.57 of 2021 by the learned I Additional District and Sessions Judge, Sangareddy. Accused Nos.1 to 4 are convicted for the offence under Section 8(c) read with 20(b)(ii)(C) of the NDPS Act, 1985 and are sentenced to undergo rigorous imprisonment for ten years each and to pay a fine of Rs.1,00,000/- each (total Rs.4,00,000/-), with a default sentence of one year rigorous imprisonment. Heard learned counsel for the petitioner and learned Additional Public Prosecutor. learned counsel for the petitioner submitted that there is a clear violation of the mandatory procedure under Section 52-A of the NDPS Act, as	

	the inventory was not properly prepared and certified, and there was an unexplained delay in drawing samples while the seized property remained in the custody of the officials, thereby vitiating the sanctity of the seizure. He further contended that non-compliance with the prescribed procedure relating to inventory and sampling renders the seized material unreliable and inadmissible, thus seriously prejudicing the case of the prosecution. Further, the petitioner 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 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 petitioner, he prayed the Court to dismiss the petition. Perused the contents of the affidavit filed in	
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		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, The Court observes that the alleged non-compliance with the mandatory procedure under Section 52-A of the NDPS Act, particularly in respect of preparation of inventory and sampling, raises arguable grounds affecting the validity of the conviction. Considering the facts and circumstances of 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 dated 15.12.2025 passed in NDPS SC.No.57 of 2021 by the learned I Additional District and Sessions Judge, Sangareddy, is hereby suspended pending disposal of the criminal appeal,	
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		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 Special Judicial Magistrate of First class for Trial of Cases under Telangana Prohibition and Excise Act-cum-II Additional Junior Civil Judge at Sangareddy, Sangareddy District. During bail, the petitioner/appellant/accused 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. Accordingly, this Interlocutory Application is allowed. <u>Crl.A.No.1408 of 2025</u> ADMIT. List on 24.06.2026. In the meantime, Registry is directed to call for record from the trial Court and prepare paper book and place before this Court. SKS, J SAI	
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