

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY ,THE EIGHTH DAY OF APRIL

TWO THOUSAND AND TWENTY SIX

:PRESENT:

HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

IA No. 1 OF 2026

IN

CRLA NO: 212 OF 2026



Between:

1. Kumar Dalai, S/o. Pramod Kumar Dalai, aged about 25 years R/o. Khojapalli, Kodala, Masthasarasingi, Ganjam District, Odisha State.
2. Anil Kumar Jena, S/o. Apala Jena, aged about 24 years, R/o. Khojapalli, Kodala, Masthasarasingi, Ganjam District, Odisha State.

...Appellants/Accused No.1,2

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati.

...Respondent/Complainant

Petition under Section 389(1) Cr.P.C and Sec.430(1) B.N.S.S. is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Sentence and Judgment passed including fine amount by the Hon'ble Special Sessions Judge for trial of the cases under The Narcotic Drugs and Psychotropic Substances Act, 1985-cum-I Addl. Sessions Judge, Nellore against the Appellants/Acrused No.1, 2 in N.D.P.S. SESSIONS CASE No. 13 of 2022 dated 09.03.2026 for the offence under Sec.20(b)(ii)(B) r/w 8(c) of N.D.P.S. Act and enlarge the Appellants/Accused No.1, 2 on bail in N.D.P.S. SESSIONS CASE No. 13 of 2022, pending disposal of the above Criminal Appeal and pass such Pending disposal of CRLA No. 212 of 2026..

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of

SRI.GOLLAPALLI MAHESWARA RAO Advocate for the Apellants and of
PUBLIC PROSECUTOR for the Respodent, the Court made the following

ORDER:

Heard learned counsel representing **Sri Gollapalli Maheswara Rao**, learned counsel for the petitioners/appellants/convicts/A1 & A2 and **Sri C.Panini Somayaji**, learned Additional Public Prosecutor representing the State.

The petitioners are accused Nos.1 & 2 in NDPS S.C.No.13 of 2022 on the file of the learned Special Sessions Judge for Trial of the Cases under the Narcotic Drugs and Psychotropic Substances Act, 1985-cum-I Additional Sessions Judge, Nellore.

Learned counsel for the petitioners would submit that petitioners/A1 & A2 were convicted for the offence under Section 20(b)(ii)(B) r/w 8(c) of the NDPS Act, 1985 and accordingly, they were convicted and sentenced to suffer rigorous imprisonment for a period of five (05) years each and to pay a fine of Rs.10,000/- (Rupees Ten Thousand each Only) each, in default shall undergo simple imprisonment for a period of three (3) months each.

Learned Senior Counsel for the petitioner/appellant/convict would further submit that the petitioner/appellant/convict paid the fine amount and filed original receipts along with the appeal grounds.

Learned counsel for the petitioners/ appellants/A1 & A2 would further submit that the appellants were on bail during trial and before. They did not commit breach of bail bonds during trial. The sentence of imprisonment imposed by the trial Court is a fixed sentence of five years only and there is no possibility of hearing the appeal in the near future. Therefore, the order of sentence of imprisonment imposed by the learned trial Court may be suspended, pending disposal of the appeal.

Learned Additional Public Prosecutor opposed the application. However, he would admit that the contraband involved in the case is

sentence of imprisonment alone imposed by the learned Special Sessions Judge for Trial of the Cases under the Narcotic Drugs and Psychotropic Substances Act, 1985-cum-I Additional Sessions Judge, Nellore, vide judgment dated 09.03.2026 passed in NDPS S.C.No.13 of 2022 be suspended, pending disposal of the appeal, in respect of the petitioners/appellants/A1 & A2 only, and the petitioners be released on bail, subject to the following conditions”:

- i) The petitioners/appellants/A1 & A2 shall execute a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two (02) sureties for a like sum each, to the satisfaction of the learned trial Court.**
- ii) On such release, the petitioners/ appellants/A1 & A2 shall appear before the learned trial Court, on every fourth Saturday of the month, till disposal of the Appeal.**
- iii) The petitioners/appellants/A1 & A2 shall not involve in similar offence in future in any manner.**
- iv) The petitioners/appellants/A1 & A2 shall not leave the country without permission of the Court.**
- v) If the petitioners/appellants/A1 & A2 violate any of the above conditions, the prosecution is at liberty to file an application seeking cancellation of the bail.**

Accordingly, the application is ordered.

//TRUE COPY//

**SD/-B.CHITTI JOSEPH
DEPUTY REGISTRAR
SECTION OFFICER**

Additional Sessions Judge, Nellore

2. The Superintendent, Central Prison, Nellore.
3. One CC to SRI. GOLLAPALLI MAHESWARA RAO Advocate
[OPUC]
4. Two CC to PUBLIC PROSECUTOR, High Court of
A.P.,Amaravati [OUT]
5. One spare copy

HIGH COURT

BVLNC,J

DATED:08.04.2026

BAIL ORDER

I.A.No.1 OF 2026

IN

CRLA.No.212 OF 2026

I.A.No.1 OF 2026 IS ORDERED

