

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No. 15099 of 2016

ORDER:

Vide present Criminal Petition, the petitioner/Accused No.3 seeks a direction thereby to enlarge him on bail in Crime No.3 of 2016 on the file of Station House Officer, Police Station, Donkarai, East Godavari District, registered for the offences punishable under Section 8(c) read with Section 20(b)(ii)(b) of the Narcotic Drugs and Psychotropic Substances Act 1985 (for short 'the NDPS Act').

In the present petition, the issue raised by the learned Counsel for the petitioner is that the respondent has not followed the procedure contemplated under the NDPS Act, particularly under Sections 41,42,43 and 50 of the NDPS Act while registering the case against the petitioner and remanding him to judicial custody.

Learned Counsel appearing on behalf of the petitioner submits that investigation is completed, however charge has not been filed and therefore the petitioner is entitled to the benefit to be given under Section 167(2) Cr.P.C. Learned Counsel submits that he does not want to press the present Criminal Petition; however, he seeks benefit under Section 167(2) Cr.P.C.

On the other hand, learned Additional Public Prosecutor appearing on behalf of the respondent/State submits that charge sheet has been filed before the trial Court.

Inasmuch as learned Counsel for the petitioner is seeking permission to withdraw the instant Criminal Petition with liberty to file bail application before the trial Court at appropriate stage, permission is accorded.

Consequently, the Criminal Petition is dismissed as withdrawn with liberty as sought for.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence.



JUSTICE SURESH KUMAR KAIT

DATED 27TH October, 2016.
Msnr_x