

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

MONDAY, THE FOURTH DAY OF DECEMBER,
TWO THOUSAND AND SEVENTEEN

:PRESENT:

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRLP .NO:11313 of 2017

Between:

Mike Kamminga S/o. Drik Klass Kamminga,

..... Petitioner/Accused

AND

1. The State of Telangana Represented by its Public Prosecutor, High Court, Hyderabad.
2. The Station House Officer, P.S.Prohibition & Excise Station, Serilingampally, R.R. District

.....Respondents/Complainant

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the memo of grounds filed herein the High Court may be pleased to enlarge the petitioner on Bail in Cr.No. 118 of 2017, Prohibition & Excise Police Station, Serilingampally, Cyberabad, Ranga Reddy District.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed herein and upon hearing the arguments of Panasia Advocates And Consultants, Advocate for the Petitioner, and of Public Prosecutor (TG) for Respondents, the Court made the following.

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of bail in Crime No.118 of 2017 on the file of the Prohibition and Excise Police Station, Serilingampally, Ranga Reddy District, registered for the offences punishable under Sections 8(c) read with 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard the learned counsel for the petitioner/accused, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. It is alleged that 2.6 grams of DIMETHYLE TRYPTAMINE has been seized from the house of the petitioner/accused on

25.07.2017. It is brought to the notice of this Court that the sample was sent to Forensic Science Laboratory for analysis, though the letter of advice, in the month of July, 2017. Till date, no analysis report has been received. It is also brought to the notice of this Court that the petitioner/accused is a citizen of Netherlands and he is working as a Software Engineer in Atlnomins Software Private Limited. The petitioner/accused was remanded to judicial custody on 25.07.2017. It appears that there is no progress in the matter. The weighing and holding that it is 2.6 grams of DIMETHYLE TRYPTAMINE is also disputed. It is contended that two grams of DIMETHYLE TRYPTAMINE is commercial quantity. It is submitted that the entire material seized was sent to the Forensic Science Laboratory for analysis and examination. No sample was collected as per the procedure. Both panch witnesses are excise police constables. There is no scientific analysis that the contraband seized is DIMETHYLE TRYPTAMINE. It is yet to be established. The learned counsel for the petitioner/accused also submitted that the petitioner/accused is ready to furnish adequate surety and would abide by any conditions. Under these circumstances, this Court is inclined to grant bail to the petitioner/accused under Section 439 of Cr.P.C. on some conditions.

4. Accordingly, the petitioner/accused is ordered to be released on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties in a like sum each to the satisfaction of the learned Metropolitan Sessions Judge, Cyberabad at L.B.Nagar. Both the

sureties shall be permanent residents of Hyderabad. The petitioner/accused shall not leave India without permission of this Court. The petitioner/accused shall cooperate with the investigating officer in the investigation of the case. Further, after being released on bail, the petitioner/accused shall report before the Station House Officer, Prohibition and Excise Police Station, Serilingampally, Ranga Reddy District, on every second Saturday between 09:00 AM and 10:00 AM, till filing of the charge-sheet.

5. The Criminal Petition is, accordingly, allowed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

//TRUE COPY//

ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

1. The Metropolitan Sessions Judge, Cyberabad at L.B.Nagar
2. The Superintendent, Central Prison at Cherlpalli, R.R.District
3. The Station House Officer, P.S.Prohibition & Excise Station, Serilingampally, R.R. District
4. Two CCs to Public Prosecutor (TG), High Court, Hyderabad (OUT)
5. One CC to Panasia Advocates And Consultants, Advocate (OPUC)
6. One spare copy

Skm

HIGH COURT

DR. SA,J

Drafted by: skm
Drafted on: 05-12-2017

DATE: 04-12-2017

ORDER

CRL.P. No. 11313 of 2017

DIRECTION

