

THE HON'BLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION NO. 9458 OF 2021

ORDER:-

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 seeking regular bail to the petitioner/A.2 in connection with Crime No. 264 of 2021 on the file of Asif Nagar Police Station, Hyderabad, wherein the petitioner is alleged to have committed the offence punishable under Section 22(c) of NDPS Act.

2. The brief case of the prosecution is that on 11.11.2021 at about 05:00 hours, on credible information, the Additional Sub-Inspector of Police, Asif Nagar, went to the spot i.e., near Jaya Bhusan Hospital, Mehdipatnam Bus Stop, apprehended two persons moving under suspicious circumstances. In the presence of Gazetted Officer and panch witnesses, he conducted search and found 20 black and 6 pink coloured *Methylenedioxy Methamphetamine* ('MDMA') pills from the possession of the petitioner herein and 2 black and 22 pink coloured MDMA pills from the possession of A.3. The said pills were seized under the cover of panchanama and a report was lodged with the Police Station, Asif Nagar. Based on the said report, FIR was registered, the accused were arrested and remanded to judicial custody.

3. Mr. E.V. Venugopal, the learned Senior Counsel, representing Mr. K. Laxman Rao, the learned counsel for the petitioner, contended that in the entire remand report as well as the FIR, there are several lapses with regard to the exact time of seizure of MDMA pills as well as the quantity which was seized from each of the accused.

4. The learned Public Prosecutor, on the other hand, opposed the request of the petitioner for grant of bail, contending that with regard to the lapses as

pointed out by the learned Senior Counsel for the petitioner, already there was a direction from this Court to take appropriate action against the investigating officer. It is further contended that, in fact, there are some lapses, but that lapses shall not go to help the accused. The entire remand report and FIR were based on the foundational document i.e., the seizure panchanama, but no such lapses are found in the seizure panchanama.

5. It is true that there are certain lapses in the remand report as well as the FIR. It is stated that the arrest card also does not reflect the time and date of arrest of the accused. But, it is stated by the learned Public Prosecutor that already action has been initiated on the investigating officer. As of now, the quantity seized from the possession of the accused is 'commercial quantity'. The learned counsel for the petitioner stated that there is still the quantitative analysis to be done to find out the exact quantity of the MDMA content in the seized pills. Therefore, according to him, the benefit shall be extended before the report is received. His contention may be right, but it can be considered only if the report is received. As the case was registered only on 11.11.2021, the investigating agency has sufficient time to conclude the investigation under the Special Act. Still that time is not reached. In the said circumstances, at this stage, the said contention cannot be accepted. Hence, this Court is not inclined to enlarge the petitioner on bail.

6. In the result, the petition is dismissed.

Consequently, miscellaneous applications pending, if any, shall stand closed.

M. LAXMAN, J

Date :31.12.2021

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DATE: 31-12-2021