

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5726 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioners who are arrayed as Accused Nos.1 to 3 in Crime No.258 of 2022 on the file of Station House Officer, Medchal Police Station, Cyberabad registered for the offence punishable under Section 20(b)(ii)(C) read with Section 08 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard learned counsel for the petitioners/Accused Nos.1 to 3 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution is that these petitioners were found in possession of Hashish Oil in two bottles which weighs 1495 grams. The said Hashish Oil was found in 180 small bottles each bottle contains 5 ml and sealed in a polythene cover, in a car in which the petitioners were traveling and they were arrested by Medchal Police.

4. Learned counsel for the petitioners submits that the weight as given by the prosecution includes the bottles weight also and the quantity of oil would be less than commercial quantity.

5. However, learned Assistant Public Prosecutor disputes the said contention and states that the oil is 1495 grams which is commercial quantity.

6. The said grounds can be raised during the course of trial. Since the investigation is complete and charge sheet is already filed, this Court deems it appropriate to grant the relief of regular bail to these petitioners.

7. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.1 to 3 are granted bail subject to the following conditions:

i) The petitioners/Accused Nos.1 to 3 shall execute personal bonds for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties for a like sum each to the satisfaction of XXII Additional Metropolitan Magistrate at Medchal.

ii) The petitioners/Accused Nos.1 to 3 shall appear before the concerned Court on every date of hearing without fail.

iii) The petitioners/Accused Nos.1 to 3 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 29.07.2022
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