

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.7117 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner who is arrayed as Accused No.2 in the event of his arrest in Crime Occurrence Report No.33 of 2022 on the file of Prohibition and Excise Station, Shadnagar registered for the offence punishable under Section 8(c) read with Section 21, 22(b) of NDPS Act, 1985.

2. Heard learned counsel for the petitioner/Accused No.2 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution is that Accused No.1 was caught in possession of three packets of white powder cocaine, three grams of MDMA pills and five packets of dark colour MDMA.

4. The case against this petitioner is that he is the friend of Accused No.1 who was arrested and they have purchased the said drugs from GOA for the purpose of consumption.

5. On instructions learned Assistant Public Prosecutor would submit that he was not peddler but a consumer.

6. In the said circumstances, the petitioner/Accused No.2 can be granted the relief of anticipatory bail.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.2 shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/Accused No.2 is directed to surrender before the Prohibition and Excise Station, Shadnagar within ten days from today, and on such surrender, he shall be enlarged on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties to the like sum each, to its satisfaction.

ii) The petitioner/Accused No.2 shall appear before the concerned police station everyday between 10.30 AM and 01.00 PM for a period of thirty (30) days and thereafter as and when required and the police if required send the petitioner to such medical tests as prescribed under the Act.

iii) The petitioner/Accused No.2 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 17.08.2022
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