

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 7374 of 2022

ORDER:

This Criminal Petition is filed under Section 437 & 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioner/A2 on bail in connection with C.O.R.No.69 of 2022 on the file of Prohibition & Excise Police Station, Bodhan, for the offences punishable under Section 8(C) read with 22 (C) of NDPS Act, 1985.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. The case against this petitioner is that he and his brother while they were in their house, the Excise Police Bodhan has raided the premises and at the instance of Accused No.1, 1100 grams of powder was seized which is suspected to be 'Alprazolam'; and that samples were drawn and they were sent for FSL examination.

4. Admittedly, the petitioner who is brother of Accused No.1 was not present in the house. However, on the basis of confession of Accused No.1, this petitioner is arrayed as Accused No.2.

5. Since the powder which was kept under lock and key was recovered at the instance of Accused No.1, this petitioner who is brother of Accused No.1 can be granted the relief of bail on the following conditions.

i. the petitioner/ A2 is directed to be released on bail on his executing personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of I Additional Sessions Judge at Nizamabad District.

ii. On such release, the petitioner/A2 shall appear before the concerned Police Station every Monday between 10.00 to 1.30 P.M., for a period of three months or till filing of the charge sheet, whichever is earlier, for the purpose of investigation.

iii. The petitioner/A2 shall comply with the conditions as laid down under Section 437 (3) of Cr.P.C.

6. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date :05.09.2022
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Dt.01.09.2022

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