

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.6900, 7891 & 7937 of 2022

COMMON ORDER:

Since all these criminal petitions arise out of the same crime, they are being disposed off by this common order.

2. These Criminal Petitions under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioners/Accused Nos.1 to 4 on bail in connection with Crime No.131 of 2022, pending on the file of Langer House Police Station, Hyderabad District, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "N.D.P.S.Act, 1985").

3. Heard learned counsel for the petitioners/Accused Nos.1 to 4 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

4. The Police, Langer House Police Station, apprehended the petitioners/Accused Nos.1 to 4 as they were in possession of Hashish Oil. The petitioners/Accused Nos.1 and 2 were in possession of 50 bottles of Hashish Oil (each bottle 5 ML) each and the petitioners/Accused Nos.3 and 4 were in possession of 200 bottles of

Hashish Oil (each bottle 5 ML) each. They were remanded to judicial custody.

5. Learned counsel for the petitioners submits that the procedure, in which the sample collected from the bottles, was incorrect and they ought to have made the bottle contents into homogeneous mixture and drawn sample. However, only two bottles were taken towards samples.

6. The Police, Langer House Police Station, on seizure found that all the bottles contained similar substance and the Police are at liberty to draw samples in such circumstances, when the same substance was found in 500 bottles of 5 ml each, the Police have not erred in drawing samples in the present facts of the case.

7. Accordingly, the bail applications of the petitioners/Accused Nos.3 and 4 in whose possession 2500 ml was found, are dismissed. However, even according to the Police that the petitioners/Accused Nos.1 and 2 were found in possession of 250 ml of Hashish Oil, which is less than commercial quantity. In the said circumstances, the petitioners/Accused Nos.1 and 2 are granted bail on the following conditions:

- i) The petitioners/Accused Nos.1 and 2 are directed to be released on bail on their executing personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each with

two sureties for a like sum each, upon which one shall be local and one shall be native, to the satisfaction of the learned VI Additional Chief Metropolitan Magistrate, Nampally, at Hyderabad.

- ii) The petitioners/Accused Nos.1 and 2 shall appear before the concerned Police on every Monday between 10.00 A.M. and 05.00 P.M, for a period of twelve weeks or until filing of charge sheet, whichever is earlier.
- iii) The petitioners/Accused Nos.1 and 2 shall comply with the conditions as laid down under Section 437 (3) of Cr.P.C.

8. Accordingly, the Criminal Petition No.7891 of 2022 in respect of petitioners/Accused Nos.1 and 2 is allowed and Criminal Petition Nos.6900 of 2022 and 7937 of 2022 in respect of petitioners/Accused Nos.3 and 4, are dismissed.

Miscellaneous applications, if any pending in these criminal petitions, shall stand closed.

K.SURENDER, J

Date :12.09.2022

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Dt.12.09.2022

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