

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.8879 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure (for short "Cr.P.C") seeking regular bail to the petitioner who is arrayed as Accused No.4 in Crime No.259 of 2022 pending on the file of Station House Officer, Humayun Nagar Police Station, Hyderabad registered for the offence punishable under Section 8(c) read with Section 22(c) and 27 of NDPS Act.

2. Heard learned counsel for the petitioner/Accused No.4 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The Humayun Nagar police registered the present case alleging that this petitioner was in possession of 11 grams of MDMA and arrested on 01.09.2022.

4. Learned counsel appearing for the petitioner submits that in fact he was arrested by Hyderabad Narcotics Enforcement Wing at Rajasthan on 26.08.2022, as such the question of being found in possession of MDMA drug on 01.09.2022 does not arise. Learned counsel filed the general diary details of Ambamata Police Station, Rajasthan State and translations as material papers.

5. This Court on 14.10.2022 directed the learned Assistant Public Prosecutor to get instructions regarding the detention as claimed on 26.08.2022 by the Hyderabad Narcotics Enforcement Wing at Rajasthan.

6. On instructions learned Assistant Public Prosecutor would submit that in fact the said agency personnel went to Rajasthan on the said date and also questioned, however, he was not arrested on the said date.

7. Though the police personnel who went to Rajasthan to question or take the petitioner into custody, was summoned there is no appearance. In view of the above, it is highly doubtful whether the petitioner who was questioned and taken into custody, according to General Diary of Ambamata Police, Rajasthan State on 26.08.2022 would commit the offence in question.

8. In the said circumstances, since the case against the petitioner is doubtful and also for the reason of the police personnel not appearing in spite of asking them to appear before this Court, this petitioner can be granted the relief of regular bail.

9. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.4 is granted bail subject to the following conditions:

i) The petitioner/Accused No.4 is directed to be released on bail on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum (among which one local and one native surety) to the satisfaction of I Additional Metropolitan Sessions Judge, Hyderabad.

ii) After release on bail, the petitioner/Accused No.4 shall appear before the concerned Station House Officer on every Monday between 10.30 AM and 01.00 PM for a period of six (06) weeks and thereafter as and when required for the purpose of investigation.

iii) The petitioner/Accused No.4 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: 26.10.2022
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