

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NOS.3393 OF 2022 AND**
55 of 2022**COMMON ORDER:**

These two Criminal Petitions are filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") by the petitioners, who are figured as Accused Nos.1 and 2 seeking to enlarge them on bail in connection with COR No.150 of 2021 on the file of Prohibition and Excise Station, Narsapur registered for the offence punishable under Section 8(c) read with Section 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. As the petitioners are Accused Nos.1 and 2 in COR No.150 of 2021, the criminal petitions are disposed off under common order.

3. Heard the learned counsels for the petitioners and the learned Assistant Public Prosecutor for the respondent-State. Perused the record.

4. The allegation against the petitioners that on 01.11.2021 the police stopped Accused No.1 and found 500 grams of substance

and on the basis of confession the police concluded that it is Alprazolam, thereafter on the confession of Accused No.1, Accused No.2 was arrested from whom 2 ½ kgs of substance alleged to be Alprazolam was recovered.

5. Learned counsels for the petitioners submits that except the confession there is no other material to conclude that the substance seized from these petitioners is in fact Alprazolam.

6. When questioned, learned Assistant Public Prosecutor submits that the substance was sent for Forensic Science Laboratory examination and as on date no preliminary tests are conducted to say that the substance seized is a narcotic substance or specifically Alprazolam.

7. Petitioners are in jail since 01.11.2021 and there is no assertion by the prosecution that the substance seized is in fact Alprazolam, for the said reason, the petitioners can be released on bail.

8. Accordingly, both the Criminal Petitions are allowed and the petitioners/Accused Nos.1 and 2 are granted bail subject to the following conditions:

i) The petitioners/Accused Nos.1 and 2 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate, Gajwel at Medak.

ii) The petitioners/Accused Nos.1 and 2 shall appear before the police concerned on every Monday and Thursday between 10.00 am and 01.00 PM for a period of three months.

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

9. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER, J

Date: 20.04.2022
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