

**THE HON'BLE SRI JUSTICE M. LAXMAN**

**CRIMINAL PETITION No.4728 of 2023**

**ORDER:-**

This petition is filed under Sections 437 and 439 of Code of the Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking to enlarge the petitioner/accused No.2 on bail in Crime No.279 of 2023 of Police Station KPHB Colony, Cyberabad for the offences punishable under Sections 22 (b), 8 (c) and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "NDPS Act").

2. Heard Sri Nageshwar Rao Pujari, learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the respondent State.

3. The allegation against the petitioner/accused No.2 was that when search was conducted in Room No. 514 of OYO Town Mansion Suite, Nizampet Road, KPHB on 24.03.2023, at about 20:15 hours, the police found three male persons and the petitioner was one among them. The petitioner allegedly came to the hotel to purchase drug for consumption. On search, the petitioner was found to be in possession of 3 gms of MDMA which is a intermediate quantity.

4. The investigation reveals that the petitioner is a consumer of drug and the quantity of drug found in his possession was less than the commercial quantity. Therefore, the rigor of Section 37 of NDPS Act does not apply to the petitioner. The scheme of the NDPS Act shows that sympathy can be extended to the consumers of drug. The petitioner is in remand for more than two (2) months. Therefore, considering the above circumstances, benefit of bail can be extended to the petitioner.

5. Hence, the petitioner/accused No.2 shall be released on bail subject to the following conditions:-

(i) The petitioner/accused No.2 shall furnish a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the learned XV Additional Metropolitan Magistrate, Medchal-Malkajgiri District, at Kukatpally, Cyberabad.

(ii) The petitioner shall co-operate with the investigation agency and he shall appear before the police as and when his presence is required.

(iii) The petitioner shall furnish his permanent residential address and he shall also inform the change of address, if any, to the concerned police.

Consequently, miscellaneous applications pending, if any, shall stand closed.

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**M. LAXMAN, J**

Date: 25.05.2023  
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