

**THE HONOURABLE SRI JUSTICE K.SURENDER****CRIMINAL PETITION NO.7403 OF 2023****ORDER:**

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail to the petitioner/Accused No.1 in Crime No.330 of 2023 on the file of Medchal Police Station, Rachakonda, Ranga Reddy, registered for the offence under Section 20 (c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘the NPDS Act’).
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The petitioner was arrested on 08.05.2023 by Medchal Police on the ground that he was in possession of 41 gms. of MDMA (Methylenedioxy methamphetamine) drug in 41 packets. The said packets were closed with a thread and marked as M1 by taking signatures of Gazetted Officer and taken to the Police Station. The said

seizure was done by A. Muraleedhar, Sub-Inspector, Medchal Police Station.

4. Learned counsel appearing for the petitioner would submit that though the petitioner was apprehended and allegedly 41 packets of MDMA drug was seized, it was not mentioned in the remand report. They were placed in a polythene cover. However, the said property was not deposited before the concerned Court in accordance with Section 52 –A of NDPS Act and the Standing orders.

5. Learned Additional Public Prosecutor on instructions would submit that the permission was sought for sending the samples to FSL on 25.07.2023. The documents are filed by the learned Additional Public Prosecutor reflecting the request made to the learned Magistrate for conducting inventory of the seized contraband.

6. As seen from the remand report, there is no mention about the drug that was seized from the accused and that they were deposited before the concerned

Magistrate either on the date of remand or any subsequent date. The documents filed by the learned Additional Public Prosecutor would reveal that the inventory of the seized contraband and request to send the samples to FSL was made after 76 days i.e., on 13.07.2023 and the learned Magistrate had signed on 25.07.2023. In accordance with 52-A of NDPS Act and the Standing orders, the Police are bound to follow the rules and cause inventory of the seized drugs. Further, sampling has to be done before the Magistrate for sending them to the FSL. The delay of nearly 76 days in making a request for sending the samples to FSL is not explained by the Police.

7. Learned Additional Public Prosecutor further submits that there is no time frame prescribed for making an inventory and sampling before the concerned Magistrate. After remand, the Police can at any point of time resort to producing the contraband before the learned Magistrate for the purpose of sending the samples to FSL. The said argument cannot be accepted.

To lend credibility to the case of the Police regarding seizure, the Police ought to have deposited the seized contraband immediately before the concerned Magistrate. Though no specific time is mentioned, it can be said that drugs had to be deposited and permission has to be sought from the learned Magistrate immediately. Since there is a delay of nearly 76 days in making a request to prepare inventory and send the samples to FSL, this Court deems it appropriate to grant the relief of regular bail to the petitioner subject to following conditions:

- i) The petitioner/Accused No.1 shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a like sum each to the satisfaction of IX Additional Metropolitan Magistrate Court at Medchal, Cyberabad.
- ii) The petitioner/Accused No. 1 after release shall appear before the concerned Station House Officer every Monday and Wednesday for a period of eight weeks at 10.00 AM or until the charge sheet is filed, whichever is earlier.

iii) The petitioner/Accused No.1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

8. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, pending if any, shall stand closed.

Date: 23.08.2023  
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**K.SURENDER, J**

**THE HON'BLE SRI JUSTICE K.SURENDER**

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**Dt.23.08.2023**

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