

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.7921 of 2023

ORDER:

This Criminal Petition is filed under Section 437 & 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioner/A3 in Crime No. 428 of 2023 of Raidurgam Police Station, Cyberabad, for the offences under Section 21(a)(c), 22 and 29 of the NDPS Act, 1985.

2. Heard both sides. Perused the record.

3. The petitioner/A3 was arrested by the Raidurgam Police along with A1-Rakesh Roshan. It is alleged that he was found in possession of 106 grams of Cocaine. This petitioner, A1 and A5 were remanded to judicial custody on 06.05.2023.

4. Learned Counsel appearing for the petitioner would submit that according to the Police, A4 was arrested on 04.05.2023 and in his statement, the petitioner was named. In the Remand Report dated 04.05.2023, this petitioner's name is shown as Accused No.3, however, the petitioner was arrested on 05.05.2023, the next day, which is doubtful. Further, the petitioner was actually arrested on 03.05.2023, itself along A1. However it is falsely stated that he was arrested on 5.5.2023. A1 was granted bail by this

Court by order dated 16.08.2023. On grounds of parity, this petitioner may be granted bail.

5. On the other hand, learned Assistant Public Prosecutor would submit that A1 was found with quantity less than commercial quantity, for which reason, bail was granted.

6. As seen from the proceedings of the II Additional Junior Civil Judge-cum-XIII Additional Metropolitan Magistrate, R.R.District at Rajendranagar, both A1 and A3 informed the Court that they were taken into custody on 03.05.2023. Admittedly, on 04.05.2023, the alleged supplier A4 was arrested and the name of this petitioner was also stated in the Remand Report. The learned Magistrate also directed the Station House Officer, Raidurgam, to call for remarks of the allegations made by this petitioner and A1. The Station House Officer, Raidurgam has filed explanation stating that large quantity of cocaine was seized from the accused and that they were drug peddlers.

7. The Remand Report does not reflect that the seizure and sampling is in accordance with the Judgment rendered by the Supreme Court in ***Union of India v. Mohanlal and another***¹. Since A1 was already granted bail by this Court, this Court deems

¹ (2016) 3 SCC 379

it appropriate to grant the relief of regular bail to the petitioner subject to following conditions.

- i. the petitioner/A3 is directed to be released on bail on his executing personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each, to the satisfaction of Metropolitan Sessions Judge-cum-Designated Court for the Trial of Offences under NDPS Act, Ranga Reddy District at L.B.Nagar.
- ii. On such release, the petitioner/A3 shall appear before the concerned Station House Officer, everyday, for a period of two weeks at 10.00 a.m. and thereafter as and when required, for the purpose of investigation.
- iii. The petitioner/A3 shall abide by the other conditions stipulated in Section 437 (3) of Cr.P.C.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date :11.09.2023
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Dt.11.09.2023

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