

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.7992 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 petitioners/Accused Nos.1 and 2 in C.O.R.No.54 of 2023 on the file of Prohibition and Excise Police Station, Wyra, registered for the offence under Section 8(c) r/w. 20 (c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NPDS Act').
2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The Prohibition and Excise Personnel, Wyra have found these petitioners in possession of ganja while trying to sell the same. The contraband was 12 kgs. which was seized from these petitioners. The said seizure was on 23.07.2023. The Police have followed the

procedure prescribed under NDPS Act and sent the petitioners to judicial remand.

4. Learned counsel for the petitioners would submit that the contraband is less than the commercial quantity and there are no questionable criminal antecedents as far as the petitioners are concerned.

5. Learned Additional Public Prosecutor does not dispute the same. However, he submits that the petitioners are the residents of Orissa and it would be difficult to secure their presence.

6. Keeping in view that the contraband seized is less than the commercial quantity, this Court deems it appropriate to grant the relief of regular bail to these petitioners, subject to following conditions:

- i) The petitioners/Accused Nos.1 and 2 shall execute personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties i.e., one local surety and the other from the native place, for a like sum each to the satisfaction of Special Judicial Magistrate of First

Class (For Prohibition & Excise Cases) at Khammam.

ii) The petitioners/Accused Nos.1 and 2 after release shall appear before the concerned Station House Officer at 10:00 a.m. on every Monday and Wednesday for a period of eight weeks and thereafter, as and when required for the purpose of investigation.

iii) The petitioners/Accused Nos.1 and 2 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

K.SURENDER, J

Date: 29.08.2023
dv

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO. 7992 OF 2023

Dt.29.08.2023

dv