

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.8038 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.50 of 2023 on the file of Prohibition and Excise Police Station, Wyra, registered for the offence under Section 8(c) r/w. 20 (b) (ii) (B) 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 Wyra Police found these petitioners near RTC Bus Stand. The 1st petitioner was carrying 6.4kgs. of ganja and the 2nd petitioner was in possession of 6.1 kgs. of ganja. Both of them were apprehended and after following the procedure prescribed under NDPS Act, the contraband was seized and these petitioners were

produced before the concerned Magistrate. Learned Magistrate remanded them to judicial custody.

4. Learned counsel for the petitioners would submit that they were working as Coolies and they have nothing to do with the contraband and they have been falsely implicated. Further, there are no criminal antecedents as far as these petitioners are concerned.

5. Learned Additional Public Prosecutor would submit that there are no other criminal antecedents against these petitioners. However, he submits that it is difficult to secure their presence for the purpose of trial.

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 Additional Judicial Magistrate of First Class, Madhira.

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.

Date: 30.08.2023
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K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.30.08.2023

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