

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.8039 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 in C.O.R.No.46 of 2023 on the file of Prohibition and Excise Police Station, Madhira, 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 petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The Prohibition and Excise Personnel, Madhira apprehended this petitioner on 06.07.2023 for being in possession of 4.165 kgs. of ganja. He was apprehended at the Bus Stop, Opposite R.V.Complex, Madhira Town.

4. The Excise Personnel seized ganja in accordance with the procedure laid down under the NDPS Act. Accordingly, produced before the concerned Magistrate who remanded him to judicial custody.

5. Learned counsel for the petitioner would submit that the petitioner is a Coolie and there are no criminal antecedents against him. The petitioner was falsely implicated in this case and the contraband does not belong to him.

6. Learned Additional Public Prosecutor does not dispute that there are no criminal antecedents as far as this petitioner is concerned. However, he expresses that this petitioner who is a resident of Odisha may not be available for trial.

7. 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 this petitioner, subject to following conditions:

i) The petitioner/Accused 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, Madhira.

ii) The petitioner/Accused 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 petitioner/Accused shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

K.SURENDER, J

Date: 30.08.2023
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THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.30.08.2023

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