

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

**CRIMINAL PETITION Nos.8488 of 2023**

**ORDER:**

1. 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/A-3 in COR No.49 of 2023 on the file of Prohibition & Excise Police Station at Wyra, Khammam District, for the offence punishable under Section 8(c), r/w.20(b) of the NDPS Act, 1985.

2. Heard both sides. Perused the record.

3. Petitioner is arrayed as A-3 and arrested along with A-1 and A-2. Collectively, the Prohibition and Excise Personnel, Wyra, found 53.75 Kgs of ganja in possession of accused. In the 'panchanama' dated 26.06.2023, it is shown that Accused No.1 was in possession of 19.7 Kgs., Accused No.2 was in possession of 19.4 Kgs. and the petitioner/Accused No.3 was in possession of 14.650 Kgs. It is not made clear as to why the seizure was collectively shown, when individually the accused were carrying different quantities of ganja. However, keeping in view that the quantity seized from the petitioner/A-3 is less than the commercial quantity and further, the Remand Report does not

reflect that there are other cases pending against the petitioner, the relief of regular bail can be granted to the petitioner subject to the following conditions;

i. The petitioner/A-3 is directed to be released on bail on his executing personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each, among which one is local surety and the other is native surety, to the satisfaction of the Special Judicial Magistrate of First Class-cum-Additional Judicial Magistrate of First Class at Madira, Khammam District.

(ii) The petitioner/A-3 shall appear before the concerned Station House Officer, on every Monday and Wednesday between 10.30 A.M. to 1.00 P.M. for a period of eight weeks or until filing of charge sheet, whichever is earlier, for the purpose of investigation.

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

4. Accordingly, the Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

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**K.SURENDER, J**

Date :11.09.2023  
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**Dt.11.09.2023**

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