

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.8334 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 No.1 in Crime.No.40 of 2023 on the file of Excise Station, Ameerpet, Hyderabad, registered for the offence under Section 8(c) r/w. 21 (b) of the 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 petitioner was arrested on the ground of being found in possession of 14 gms. of MDMA drug. He was arrested on 19.07.2023.
4. On instructions, learned Additional Public Prosecutor would submit that the acknowledgment of

inventory and drawing of samples was not done before the concerned Magistrate and it is still pending.

5. The concerned Police have to produce the inventory and draw samples immediately after the incident as directed by the Hon'ble Supre Court in ***Union of India v. Mohan Lal and another***¹. The arrest was effected on 19.07.2023 and till date neither the inventory is certified not its samples are drawn, which is in violation of procedure prescribed by the Hon'ble Supreme Court in ***Mohan Lal's*** case (supra). As such, the petitioner is entitled for the relief of regular bail subject to following conditions:

- i) The petitioner/Accused No.1 shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties, for a like sum each to the satisfaction of III Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad.
- ii) The petitioner/Accused No.1 after release shall appear before the concerned Station House Officer at 10:00 a.m. on every Monday for a period of eight weeks or till the charge sheet is

¹ ((2016) 3 SCC 379

filed, whichever is earlier, for the purpose of investigation.

iii) The petitioner/Accused No.1 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

K.SURENDER, J

Date: 14.09.2023
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Dt.13.09.2023

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