

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.8288 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 Crime.No.376 of 2023 on the file of Adibatla Police Station, Rachakonda, registered for the offence under Section 17 (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 Adibatla Police on information went to the premises of this petitioner on 09.08.2023. The petitioner tried to escape and he was apprehended. He was informed of being searched before the Gazetted Officer or a Magistrate. The search was conducted in the presence of mediators in the room and found a plastic box with 2.1

kgs. of opium. The said opium was seized and sent to FSL in accordance with the procedure.

4. Learned counsel appearing for the petitioner would submit that the quantity seized is less than commercial quantity and there are no other cases pending against this petitioner. In fact, the opium was found by the Police and the witnesses who were brought. However, it is not mentioned in the complaint that opium was found at the instance of this petitioner.

5. Learned Additional Public Prosecutor does not dispute the fact that there are no other cases pending against this petitioner and also the quantity seized is less than the commercial quantity.

6. Since the petitioner is in jail since 10.08.2023 and 9 witnesses have been examined according to the Additional Public Prosecutor, this Court deems it appropriate to grant the relief of regular bail to the petitioner, subject to following conditions:

i) The petitioner/Accused 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 XV Additional Metropolitan Magistrate, Cyberabad, at Ibrahimpatnam.

ii) The petitioner/Accused after release shall appear before the concerned Station House Officer at 10:00 a.m. everyday for a period of four 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.

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

K.SURENDER, J

Date: 13.09.2023
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THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.13.09.2023

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