

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.8533 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.756 of 2023 on the file of Gachibowli Police Station, Cyberabad Commissionarate, registered for the offence under Section 22 (c) r/w. 8 (c) 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 is seeking the relief of regular bail for the offence registered by the Gachibowli Police under NDPS Act, for being in possession of 12 gms of MDMA drug. The petitioner was found in possession of the said drug on 17.06.2023 and remanded to judicial custody on 18.06.2023.

4. On instructions, learned Additional Public Prosecutor would submit that there is no compliance of section 52(a) of NDPS Act.

5. Though an application was filed by the concerned Police, learned Magistrate did not entertain the said application. The fact remains that till date neither inventory nor sampling was done in accordance with the procedure laid down under Section 52(a) of NDPS Act. According to the observation of the Hon'ble Supreme Court in ***Union of India v. Mohan Lal and another***¹, inventory has to be done immediately. But in the present case, there is a delay of nearly two months and sampling is not yet done. On the said ground of not following the procedure, regular bail can be granted to the petitioner, 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 i.e., one local surety and other from the native place, for a like sum each to the satisfaction of Metropolitan Sessions Judge Court, Ranga Reddy District.

¹ (2016) 3 SCC 379

ii) The petitioner/Accused No.1 after release shall appear before the concerned Station House Officer on every Monday and Wednesday for a period of eight weeks at 10.00 AM and thereafter as and when required, 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.

Date: 10.10.2023
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K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.10.10.2023

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