

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.8712 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 COR.No.80 of 2023 on the file of Tandur Excise Police Station, Vikarabad District, registered for the offence under Section 8(c) r/w. 20 (b) (ii) (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 was found in possession of 27.6 kgs. of ganja on 13.06.2023 at the Railway Station, Tandur. Following the procedure prescribed under NDPS Act, the petitioner was sent to judicial remand. Having concluded the investigation, the charge sheet was filed.

4. Learned counsel appearing for the petitioner would submit that in the panchanama dated 13.06.2023 in the COR, the names of the panchas were not tallying, though the said panchnama was recorded at 2:40 p.m. The said aspect goes to the roots of the case. However, the logical conclusion would be that the documents were fabricated. The other ground raised by the learned counsel for the petitioner is that Gazetted Officer was part of the raiding party which was found fault with by the Hon'ble Supreme Court in ***State of Rajasthan v. Paramanand And Another***¹.

4. Keeping in view that the investigation is complete and there are no allegations against the petitioner, the relief of regular bail can be considered and all the grounds raised by the petitioner can be adjudicated before the trial Court.

5. The petitioner shall be released on bail, subject to following conditions:

- i) The petitioner/Accused shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty

¹ (2014) 5 SCC 345

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 I Additional Sessions Judge for Tracking the Cases relating to Atrocities against Women, Vikarabad District..

ii) The petitioner/Accused after release shall appear before the concerned Court on every date of hearing.

iii) The petitioner/Accused 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: 19.09.2023
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THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.19.09.2023

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