

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.9356 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.4 in Crime.No.698 of 2023 on the file of Madhapur Police Station, Cyberabad, registered for the offence under Section 34 (a) Excise Act & Section 20 (b) (ii) (A) 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 Police, Madhapur registered a crime on 19.06.2023 and arrested A-1 and A-2 for being in possession of 70 gms of cocaine. Thereafter, during the course of investigation, the Police identified this petitioner as the person who purchased cocaine from A-1 to A-3.

4. Learned counsel for the petitioner would submit that the petitioner is neither identified as a customer nor was in possession of drugs. The Police had apprehended without any basis. No offence would be made out even accepting the version of the Police that he intended to purchase the drug, under NDPS Act.

5. Learned Additional Public Prosecutor does not dispute the fact that nothing was seized from this petitioner nor he was sent to medical examination to infer the consumption of drug. He further submit that this petitioner was involved in another crime, which is registered as Crime No.579 of 2023 for the offences under Sections 34-A of Excise Act and 20 (b)(ii) (A) of NDPS Act.

6. Learned counsel for the petitioner submits that the petitioner was not arrested in the said crime and the petitioner was only shown as accused without any basis.

7. Keeping in view that A-1 and A-2 were already released on bail, this petitioner can be granted the relief of regular bail, subject to following conditions:

i) The petitioner/Accused No.4 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 Metropolitan Sessions Judge, Cyberabad, Ranga Reddy at L.B.Nagar..

ii) The petitioner/Accused No.4 after release shall appear before the concerned Station House Officer on every Monday 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.4 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

Date: 25.09.2023

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K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.25.09.2023

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