

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.9840 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.624 of 2023 on the file of Mailardevpally Police Station, Cyberabad registered for the offences under Section 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 Assistant Public Prosecutor for the respondent-State and perused the record.
3. According to the Mailardevpally Police, on 11.09.2023 on receiving the information that some persons were transporting ganja, apprehended three persons including this petitioner and found 200 small packets of ganja. In all, the ganja seized from this petitioner and two others was 21 kgs. After seizure, according to the remand report, they were produced before the concerned Magistrate and sent to judicial custody on 12.09.2023. The only ground raised by the learned counsel for the petitioner is that the Police have not followed the directions of the Hon'ble

Supreme Court in ***Union of India v. Mohan Lal and another***¹, whereby acknowledgment of inventory and sampling has to be done immediately after seizure before the concerned Magistrate. The certified copy of the petition filed by the Police before the Magistrate is placed before this Court. The said application is dated 13.09.2023 and the Inspector of Police has signed on the said application on 01.10.2023. The check and put up was signed on 05.10.2023 reflecting that the said petition was made on 05.10.2023 with a delay of 24 days. There is no explanation as to why the delay has occurred.

4. In view of the violation of directions of the Hon'ble Supreme Court in ***Mohan Lal's*** case, this Court deems it appropriate to grant the relief of regular bail 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, for a like sum each to the satisfaction of XII Additional Metropolitan Magistrate, Cyberabad at Rajendranagar.
- ii) The petitioner/Accused No.1 after release shall appear before the concerned Station House Officer at 10:00 a.m. on every Monday and Wednesday for a period of eight

¹ (2016) 3 SCC 379

weeks for the purpose of investigation and thereafter, as and when required.

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

5. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date : 06.11.2023
dv

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.9840 of 2023
Dt.06.11.2023

dv