

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.10677 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.167 of 2023 on the file of Mangalhat Police Station, Hyderabad registered for the offences 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 Assistant Public Prosecutor for the respondent-State and perused the record.
3. On 27.05.2023, the Mangalhat Police apprehended four persons including this petitioner and seized 22 kgs. of ganja.
4. According to the learned counsel for the petitioner the procedure of sampling and acknowledgment of inventory was violated which entails bail to the petitioner.
5. On instructions, learned Assistant Public Prosecutor would submit that an application was made before the concerned Magistrate on 01.07.2023 for sampling. He further submits that

this petitioner is involved in three other cases and the present bail application is 2nd bail application.

6. According to the judgment of the Hon'ble Supreme Court in ***Union of India v. Mohan Lal and another***¹, sampling of inventory and acknowledgement of inventory has to be done immediately after seizure. There is no explanation as to why delay of nearly 35 days has caused in producing the property before the concerned Magistrate.

7. Since there is violation of procedure as per ***Mohan Lal's*** case, the petitioner can be granted regular bail, 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 I Additional Metropolitan Sessions Judge, Hyderabad.
- ii) The petitioner/Accused No.1 after release shall appear before the concerned Station House Officer at 10:00 a.m. on every Monday for a period of eight 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.

¹ (2016) 3 SCC 379

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

K.SURENDER, J

Date : 06.11.2023
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Dt.06.11.2023

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