

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.10064 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 petitioners/Accused Nos.1 and 2 in Crime.No.444 of 2023 on the file of Bachupally Police Station, Cyberabad, registered for the offence under Section 20 (b) (ii) (C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NPDS Act').
2. Heard learned counsel for the petitioners online and learned Assistant Public Prosecutor for the respondent-State and perused the record.
3. The Bachupally Police apprehended these petitioners who are arrayed as A-1 and A-2 for being in possession of 1150 gms of Hash oil.
4. Learned counsel for the petitioners would submit that there is violation of provisions of NDPS Act.
5. On instructions, learned Additional Public Prosecutor would submit that contraband was seized on 21.07.2023. However, requisition was made to the concerned Magistrate on

02.09.2023 for the purpose of acknowledging the inventory and drawing samples.

6. There is inordinate delay in filing the application under section 52-A of NDPS Act. The Hon'ble Supreme Court in ***Union of India v. Mohan Lal and another***¹, held that procedure prescribed under Section 52-A of NDPS Act shall be followed immediately after seizure of the contraband.

7. For the reason of violation of procedure prescribed under Section 52-A of NDPS Act, the petitioners are entitled for bail, subject to following conditions:-

i) The petitioners/Accused Nos.1 and 2 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 the I Additional District Judge –Cum-Metropolitan Sessions Judge, Medchal-Malkajgiri District at Malkajgiri.

ii) The petitioners/Accused Nos.1 and 2 after release shall appear before the concerned Station House Officer, on every Monday at 10:00 a.m., for a period of eight weeks for the purpose of investigation and thereafter, as and when required.

¹ (2016) 3 SCC 379

iii) The petitioners/Accused Nos.1 and 2 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

Date : 08.11.2023
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K.SURENDER, J

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Dt.08.11.2023

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