

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.10131 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.2 in Crime No.828 of 2023 on the file of Rajendranagar Police Station, Cyberabad, registered for the offence 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 Additional Public Prosecutor for the respondent-State and perused the record.
3. The Rajendranagar Police apprehended this petitioner on 18.07.2023 and found 1.300 gms of liquid ganja. Three others were also arrested by the said Police on the very same day who are also accused in the present crime.
4. Learned counsel appearing for the petitioner would submit that the observations of the Hon'ble Supreme Court

in ***Union of India v. Mohanlal & Another***¹ are violated.

In view of the violation of Section 52-A of the NDPS Act, the petitioner is entitled to be released on bail.

5. On instructions, learned Additional Public Prosecutor would submit that an application was made for sampling and also endorsing the inventory. The application is dated 18.07.2023. However, stamp of the learned Magistrate is on 05.10.2023.

6. Learned counsel appearing for the petitioner would submit that CrI.M.P.No.4025 of 2023 is pending before the XI Additional Chief Metropolitan Magistrate, Rajendranagar.

7. In view of the inordinate delay in following the procedure under Section 52-A of NDPS Act and also for the reason of petitioner not being involved in any similar case, this Court deems it appropriate to grant the relief of regular bail, subject to following conditions:

- i) The petitioner/Accused No.2 shall execute personal bond for a sum of Rs.50,000/- (Rupees

¹ (2016) 3 SCC 379

Fifty thousand only) with two sureties, for a like sum each to the satisfaction of Metropolitan Sessions Judge, Cyberabad, Ranga Reddy District at L.B.Nagar.

ii) The petitioner/Accused No.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.

iii) The petitioner/Accused No.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, pending if any, shall stand closed.

Date: 17.10.2023
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K.SURENDER, J

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Dt.17.10.2023

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