

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.10508 OF 2023****ORDER:**

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/A1, in COR/Crime No.272 of 2023 on the file of Prohibition Excise Police Station, Dhoolpet, Hyderabad. The offences alleged against the petitioner are under Section 8(c), r/w.20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The case against the petitioner is that he was found in possession of Kg.20.585 grams of loose ganja.

4. The only ground raised by the learned counsel for the petitioner is that though seizure is made on 25.09.2023, the acknowledgment to the inventory and sampling was done on 17.10.2023, with a delay of 23 days, which is in violation of the

observations made by the Honourable Supreme Court in ***Union of India v. Mohanlal and another***¹.

5. Since there is inordinate delay in adhering to the procedure under Section 52-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, this Court is inclined to grant regular bail to the petitioner subject to the following conditions:

i) The petitioner/A1 shall execute a personal bond for a sum of Rs.50,000/- (rupees fifty thousand only) with two sureties for a likesum each to the satisfaction of the II Additional Metropolitan Sessions Judge, Hyderabad.

ii) The petitioner/A1 shall appear before the concerned Station House Officer on every Monday between 10.30 a.m. and 1.00 p.m., for a period of eight weeks or until filing of charge sheet, whichever is earlier, for the purpose of investigation.

iii) The petitioner/A1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

6. Accordingly, the criminal petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 15.11.2023
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¹ (2016) 3 SCC 379

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Dt.15.11.2023

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