

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.10801 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.3 in COR.No.27 of 2023 on the file of Prohibition and Excise Station, Nampally, Hyderabad, registered for the offence under Section 8(c) r/w. 20 (b) (ii) (B) of 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. The Enforcement Team, Nampally, Hyderabad had conducted search at different places and detected that total 5 accused including this petitioner were involved for the offence under Section 8(c) r/w. 20 (b) (ii) (B) of NDPS Act.
4. As seen from the remand report, LSD blots, MDMA drug, Ecstasy pills etc were seized from the accused. After seizing the said property, the same has to be immediately taken before the

concerned Magistrate for the purpose of inventory and also for drawing samples.

5. Learned counsel appearing for the petitioner would submit that though seizure was made, the said contraband was not produced before the concerned Court which is evident from the fact of the application in Form-I which was filed before the concerned Magistrate. In the said form, though description of the contraband seized is written, there is no endorsement and date on which the said application was made or signature of the Officer/In-charge of the godown. The signature and the name of the official sealed which is required to be attested on Form-I is also not mentioned. In Form-II, it is mentioned that 10 packets were seized. However, there is no signature of the In-charge of the godown and also details of place and time.

6. From the said documents, it cannot be inferred that the application was in fact submitted along with the contraband. On noticing the said discrepancy, this Court directed the appearance of the concerned Officers. Accordingly, J.Ravi, Prohibition & Excise Inspector, Enforcement, Hyderabad, M.Sudhakar, Assistant Prohibition and Excise Superintendent, Hyderabad and P.Sudhakar Varma, Prohibition & Excise Inspector, Nampally are present in the Court today.

7. In the present facts, it appears that the discrepancy in following the procedure was deliberate. In the said circumstances, it is for the superior officers to enquire into the issue as to why said discrepancy has crept in. Dealing with Narcotic drugs is a serious issue and the concerned Department or the Police have to take steps and precautions to see the accused should not go un-punished on account of infirmity in the procedure that would be followed.

8. However, on account of the procedure not being followed, the petitioner is entitled for regular bail subject to following conditions:-

- i) The petitioner/Accused No.3 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 Metropolitan Sessions Judge, Hyderabad.
- ii) The petitioner/Accused No.3 after release shall appear before the concerned Station House Officer, everyday 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.3 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

K.SURENDER, J

Date : 08.11.2023

Note:

**Registry is directed to communicate the copy of the order to Commissioner, Prohibition & Excise (Prohibition & Excise Complex, Nampally Station Road, Nampally, Hyderabad-500001)
(B/o) dv**

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Dt.08.11.2023