

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.10939 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.217 of 2023 on the file of Shahinayatgunj Police Station, Hyderabad, registered for the offences under Section 8 (c) r/w.20 (b) (ii) (C) of 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 case against the petitioner is that he was found in possession of 21 kgs. of ganja which was seized by Shahinayatgunj Police while he was in the house.
4. Learned counsel appearing for the petitioner would submit that the has nothing to do with the premises in question and more over inventory and sampling was done on 10.10.2023 with a delay of 1 month 3 days which is in

violation of observations of the Hon'ble Supreme Court in ***Union of India v. Mohan Lal and another***¹.

5. The delay in sampling was not disputed by the learned Additional Public Prosecutor.

6. Keeping in view the observations of the Hon'ble Supreme Court in ***Mohanlal's*** case, this Court deems it appropriate to grant the relief of 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 the XVI Additional Chief Metropolitan Magistrate, 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 and Wednesday 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

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

K.SURENDER, J

Date : 20.11.2023
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Dt.20.11.2023

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