

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11180 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.436 of 2023 on the file of Abdullapurmet Police Station, Rachakonda Commissionarate, 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 Abdullapurmet Police arrested these petitioners on 05.08.2023 for being in possession of 22kgs. of ganja. They were sent to judicial remand. According to the remand report, 11 packets, each containing 2kgs. of ganja were found. Mixture was made and sampling was done.
4. Learned counsel appearing for the petitioner would submit that there is a delay of 15 days in inventory and

sampling which is in violation of the judgment of Hon'ble Supreme Court in ***Union of India v. Mohan Lal and another***¹

5. However, learned Additional Public Prosecutor on instructions would submit that application was made two days after the seizure. He further submits that there are no criminal antecedents against these petitioners.

6. Since major part of the investigation is complete, this Court deems it appropriate to grant the relief of regular bail, subject to following conditions:-

i) The petitioners/Accused Nos.1 & 2 shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties, i.e., one local surety and the other from the native place, for a like sum each to the satisfaction of the Additional Metropolitan Magistrate at Hayathnagar, R.R.District.

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

(iii) The petitioners/Accused Nos.1 & 2 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.

Date : 29.11.2023
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K.SURENDER, J

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Dt.29.11.2023

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