

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.11290 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 Crime No.834 of 2023, on the file of the P.S., S.R.Nagar, Panjagutta Division, Hyderabad, registered for the offence punishable under Sections 8 (c) r/w 20 (b) (ii) (B) and 27 of NDPS Act, 1985.
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The petitioner was arrested on 16.10.2023 by S.R.Nagar Police for being in possession of 10 gms of MDMA drug. The only ground raised by the learned counsel for the petitioner is that no sampling was done and the same is in violation of Section 52-A of NDPS Act.

4. Learned Additional Public Prosecutor on instructions would submit that though an application was made, sampling was not done till date.

5. Keeping in view that there is delay in sampling and certifying the inventory and relying on the judgment of the Hon'ble Supreme Court in case of ***Union of India vs. Mohanlal and another***¹, this Court deems it appropriate to grant the relief of bail to the petitioner 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 the I Addl. Metropolitan Sessions Judge, Hyderabad.

ii) The petitioner/accused No.3 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 and thereafter, as and when required for the purpose of investigation.

¹ (2016)3 SCC 379

iii) The petitioner/accused No.3 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

6. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 04.12.2023
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Dt.04.12.2023

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