

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.11538 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.2 and 4 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 22 (C), 27 and 29 of NDPS Act, 1985.
2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The petitioners were arrested on 16.10.2023 by S.R.Nagar Police for being in possession of 25gms of MDMA drug each. Only ground raised by the learned counsel for the petitioners is that no sampling was done and this is 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 the delay in sampling and certifying the inventory, 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 petitioners subject to following conditions:

i) The petitioners/accused Nos.2 and 4 shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty Five thousand only) each with two sureties i.e. one local surety and other from the native place, for a like sum each to the satisfaction of the I Addl. Metropolitan Sessions Judge, Hyderabad.

ii) The petitioners/accused Nos.2 and 4 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

¹ (2016)3 SCC 379

thereafter, as and when required for the purpose of investigation.

iii) The petitioners/accused Nos.2 and 4 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.

Date: 01.12.2023
gvl/pvt

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.01.12.2023

gvl/pvt