

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11735 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.50 of 2023 on the file of Mokila Police Station, Cyberabad Commissionarate, registered for the offence 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 petitioner and three others were arrested on the ground of transporting ganja. In all, 120 kgs. of ganja was seized.
4. The only ground raised by the learned counsel for the petitioner is that though ganja was seized on 06.09.2023, sampling was done on 12.01.2023 with a delay of 52 days which

is in violation of the observations of the Hon'ble Supreme Court in ***Union of India vs. Mohanlal and another***¹.

5. On the basis of violation of the observations of the Hon'ble Supreme Court in ***Mohanlal's*** case, the relief of regular bail can be considered, subject to following conditions:-

i) The petitioner/Accused No.3 shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One lakh 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 Judicial First Class Magistrate at Chevella, Ranga Reddy District.

ii) The petitioner/Accused No.3 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 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.

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

K.SURENDER, J

Date : 27.12.2023
dv

¹ (2016)3 SCC 379

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11735 of 2023
Dt.27.12.2023

dv

