

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.11752 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 in NCB.F.No.48/1/2/2021/NCB/SUB-ZONE/HYDERABAD & SC.No.75 of 2022, on the file of I Additional District And Sessions Judge, registered for the offence punishable under Sections 8 (c) r/w 20 (b) (ii) (C) 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. Learned counsel for the petitioner would submit that on the ground of petitioner suffering from HIV and also for the reason of being inside since three years, the relief of regular bail can be considered.
4. Learned counsel appearing for NCB would submit that after charge sheet was filed, the bail application filed by the

petitioner was dismissed and there are no changed circumstances to entertain the application.

5. Keeping in view that even after passing of three years, agency has examined only two witnesses and also relying on the judgment of the Hon'ble Supreme Court in ***Rabi Prakash vs. State of Odisha***¹, this Court deems it appropriate to consider the relief of regular bail, subject to following conditions:

i) The petitioner/accused 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 Metropolitan Sessions Judge at Kushaiguda.

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

iii) The petitioner/accused shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

¹ 2023 SCC online Sc 1109

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

K.SURENDER, J

Date: 05.12.2023
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Dt.05.12.2023

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