

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11665 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.1 in Crime.No.1467 of 2023 on the file of Meerpet Police Station, Rachakonda, 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 case of the prosecution is that on 21.10.2023, the petitioner and another found in possession of kg.3.500 gms of hashish oil. According to the Meerpet Police, having followed the procedure, the petitioner was remanded to judicial custody.
4. The only ground raised by the learned counsel for the petitioner is that there is violation of Section 52-A of NDPS

Act. Though the petitioner was arrested on 21.10.2023, till date sampling was not done.

5. The said aspect is not disputed by the learned Additional Public Prosecutor.

6. The Hon'ble Supreme Court in ***Union of India v. Mohan Lal and another***¹, held that acknowledgement of inventory and sampling should be done before the concerned Magistrate immediately.

7. Though more than 40 days have passed sampling is not yet done. For the said violation, this Court deems it appropriate to grant the relief of regular bail, subject to following conditions:-

i) The petitioner/Accused No.1 shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties, for a like sum each to the satisfaction of the Metropolitan Sessions Judge, Cyberabad, Ranga Reddy District at L.B.Nagar.

ii) The petitioner/Accused No.1 after release shall appear before the concerned Station House Officer at 10:00 a.m. everyday for a period of two weeks for the purpose of investigation and thereafter, as and when required.

¹ (2016) 3 SCC 379

(iii) The petitioner/Accused No.1 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

K.SURENDER, J

Date : 04.12.2023
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Dt.04.12.2023

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