

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.11784 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.127 of 2023, on the file of the RPS, Hyderabad, registered for the offence punishable under Sections 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 Railway Police is that on 06.08.2023, this petitioner and another were found with 4 bags containing dry ganja total weighing 34 kgs.
4. The only ground raised by the learned counsel the petitioner is that sampling was not done immediately.

5. On instructions, learned Additional Public Prosecutor would submit that sampling was done on 20.11.2023.

6. Since sampling is in violation of observations of the Hon'ble Supreme Court in ***Union of India v. Mohan Lal and another***¹, the relief of regular bail can be considered, subject to following conditions:

i) The petitioner/accused No.1 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 II Metropolitan Magistrate (for Railways) at Secunderabad.

ii) The petitioner/accused No.1 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 No.1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

¹ (2016) 3 SCC 379

7. 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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