

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.11794 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.1 & 2 in Crime No.51 of 2023, on the file of Prohibition & Excise Station, Nampally, Hyderabad, registered for the offence punishable 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 petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The petitioners were apprehended by the Prohibition and Excise personnel, Nampally for being in possession of 30 kgs. of dry ganja.
4. The only ground raised by the learned counsel for the petitioner is that though alleged seizure was made on

12.10.2023, sampling and certification of inventory was done on 17.11.2023 with a delay of 35 days. There is no explanation as to the custody of the contraband and also reasons for the delay.

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

6. On the basis of the judgment of the Hon'ble Supreme Court in ***Union of India vs. Mohanlal and another***¹, the relief of regular bail can be granted, subject to following conditions:

- i) The petitioners/accused Nos.1 & 2 shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties i.e., one local surety and other from the native place, for a like sum each to the satisfaction of XII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.
- ii) The petitioners/accused Nos.1 & 2 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.

¹ (2016)3 SCC 379

iii) The petitioners/accused Nos.1 & 2 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

7. Accordingly, the Criminal Petition is allowed. Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 07.12.2023
dv

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO.11794 OF 2023

Dt.07.12.2023

dv