

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11873 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 Crime.No.136 of 2023 on the file of Suraram Police Station, Medchal-Malkajgiri District, registered for the offences under Section 22 (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 Police personnel, Suraram Police Station apprehended this petitioner on 13.09.2023 for being in possession of white substance and according to the Police, the said substance is alprazolam. He was remanded to judicial custody.
4. Learned counsel appearing for the petitioner would submit that though the alleged seizure was on 30.08.2023, sampling was done on 16.10.2023 i.e., with a delay of nearly 47

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

5. On the basis of violation of the judgment 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 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 the I Additional District & Sessions Judge-Cum-Metropolitan Sessions Judge, Medchal-Malkajgiri District at Kushaiguda.
- ii) The petitioner/Accused after release shall appear before the concerned Station House Officer on every Monday 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 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 : 13.12.2023
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¹ (2016)3 SCC 379

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Dt.13.12.2023

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