

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11942 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.335 of 2023 on the file of Dhoolpet Excise Police Station, Hyderabad, registered for the offence 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 against the petitioner is that he was found in possession of kgs.20.226 gms of ganja. He was transporting said ganja in his car.
4. Learned counsel appearing for the petitioner would submit that firstly petitioner was falsely implicated and secondly sampling was not done immediately in accordance with the

observations of the Hon'ble Supreme Court in ***Union of India vs. Mohanlal and another*¹**.

5. On the basis of violation of the observations 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 No.1 shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties i.e, one local surety and the other from the native place, for a like sum each to the satisfaction of the II Additional Metropolitan Sessions Judge, Hyderabad.
- ii) The petitioner/Accused No.1 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 No.1 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 : 14.12.2023
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¹ (2016)3 SCC 379

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