

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.12338 OF 2023****O R D E R:**

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.3 in Cr.No.195 of 2023 on the file of Dabeerpura Police Station, Hyderabad, registered for the offences punishable under Sections 8(c) r/w 22(c), 27 & 29 of NDPS, Act, 1985.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. The petitioner/Accused No.3 was arrested and remanded to judicial custody on 26.10.2023 for being in possession of 12 grams of MDMA. The only ground raised by the learned counsel for the petitioner is that till date neither sampling is done nor the inventory is conducted by the learned Magistrate. The said fact is not disputed by the learned Public Prosecutor.

4. Keeping in view that there is no inventory in sampling which amounts to violation of the procedure, this Court deems it appropriate to enlarge the petitioner on bail subject to the following conditions:

i) The petitioner/Accused No.3 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 learned VIII Additional Chief Metropolitan Magistrate, Hyderabad.

ii) The petitioner/Accused No.3, after release shall appear before the concerned Station House Officer on every Monday for a period of eight weeks from the date of this order. It is needless to say, he shall appear before the concerned Court for the purpose of completion of trial.

iii) The petitioner/Accused No.3 shall surrender his passport to the concerned police. In the event of the petitioner seeking return of passport or permission to travel he shall approach the lower Court.

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

5. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

Date: 18.12.2023
dsv

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.18.12.2023

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