

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.12455 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.2 in NCB.F.No.48/1/2/2021/NCB/SUB-ZONE/HYDERABAD & SC.No.75 of 2022, on the file of I Additional District And Sessions Judge, registered for the offence punishable under Sections 8 (c) r/w 20 (b) (ii) (C) of NDPS Act, 1985.
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. Earlier this Court by order dated 05.12.2023 granted bail to A-4 relying on the judgment of the Hon'ble Supreme Court in ***Rabi Prakash vs. State of Odisha***¹. The petitioner herein is arrayed as A-2.
4. On the very same grounds of failure of prosecution to conclude the examination of witnesses and since the

¹ 2023 SCC online SC 1109

petitioner is in jail from 3 years, the relief of regular bail can be considered, subject to following conditions:

- i) The petitioner/accused No.2 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 Metropolitan Sessions Judge at Kushaiguda.
- ii) The petitioner/accused No.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.
- iii) The petitioner/accused No.2 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.

K.SURENDER, J

Date: 20.12.2023
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THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.20.12.2023

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