

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.12614, 12615, 12616
& 12620 of 2023

COMMON ORDER:

1. These Criminal Petitions are 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.2, 3, 5 and 4 respectively in Crime.No.836 of 2023 on the file of KPHB Colony Police Station, Cyberabad, registered for the offence under Section 22 (C) and 27 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NPDS Act').
2. Since the petitioners in all the petitions are accused Nos.2, 3, 5 and 4 respectively in the very same crime, all are heard together and disposed off by this common order.
3. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.
4. The KPHP Police conducted search in Kindikunta GHMC Park, Opp.Vetex Premio near Rachabanda ground on 20.09.2023. These petitioners/A-2 to A-5 were apprehended on suspicion and on questioning, 5 gms. of MDMA was

recovered from each of the petitioners. Common panchnama was drafted and thereafter, the petitioners were sent to jail after being produced before the learned Magistrate.

5. Learned counsel appearing for the petitioners would submit that false case has been filed against these petitioners and they were not in possession of said narcotic drug. Further, the contraband seized is only 5 gms. of MDMA, even according to the Police which is intermediary quantity.

6. Learned Additional Public Prosecutor opposed the bail on the ground of 20 gms. of MDMA was seized whereas 10 gms. of MDMA is commercial quantity. Further, the petitioners are residents of different States and they have been purchasing and selling the said drug.

7. Keeping in view that petitioners/A-2, A-3 and A-5 are students who are aged 21, 24 and 20 years and there are no other criminal cases registered against these petitioners for similar offence, this Court deems it appropriate to grant the relief of regular bail to all the petitioners, subject to following conditions:-

- i) The petitioners/Accused Nos.2, 3, 5 and 4 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 the XV Additional Metropolitan Magistrate, Kukatpally, Hyderabad.

ii) The petitioners/Accused Nos.2, 3, 5 and 4 after release shall appear before the concerned Station House Officer at 10:00 a.m. everyday for a period of two weeks and thereafter, as and when required for the purpose of investigation.

iii) The petitioners/Accused Nos.2, 3, 5 and 4 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

8. Accordingly, these Criminal Petitions are allowed.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date : 28.12.2023
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Dt.28.12.2023

