

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.429 OF 2024

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 C.O.R.No.472 of 2023 on the file of Prohibition & Excise Station, Dhoolpet, 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 Prohibition & Excise Personnel, Dhoolpet on 17.12.2023 arrested this petitioner on the ground that he was in possession of 22 kgs. of ganja.
4. The only ground raised by the learned counsel for the petitioner is that there is gross violation of Section 52-A of the NDPS Act, since no sampling was done and neither inventory was acknowledged by the learned Magistrate.

5. The said fact is not disputed by the learned Additional Public Prosecutor.

6. Since the procedure prescribed is not followed in accordance with the judgment of the Hon'ble Supreme Court in ***Union of India vs. Mohanlal and another***¹, this Court deems it appropriate to grant the relief of regular bail, 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, 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 concerned Station House Officer at 10:00 a.m. on every Monday for a period 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.

7. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date : 23.01.2024
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¹ (2016)3 SCC 379

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Dt.23.01.2024

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