

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.589 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 petitioners/accused Nos.1 & 2 in Crime No.124 of 2023, on the file of Prohibition & Excise, Balanagar, Medchal-Malkajgiri District, registered for the offence punishable under Section 8 (c) r/w 21 and 22 (C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NPDS Act').
2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The petitioners were arrested by the Excise personnel, Balanagar for being in possession of 17 gms. of MDMA, 49 gms. of Charas and 80 nitrosun tablets.
4. The only ground raised by the learned counsel for the petitioners is that Excise officials have not followed the

procedure to get the inventory endorsed and sampling before the concerned Magistrate.

5. Learned Additional Public Prosecutor on instructions would submit that there is inordinate delay in the said process.

6. Keeping in view that there is violation of directions of the Hon'ble Supreme Court in ***Union of India v. Mohan Lal and Another***¹, this Court deems it appropriate to grant the relief of regular bail, subject to following conditions:

i) The petitioners/accused Nos.1 & 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 I Additional District & Sessions Judge-Cum-Metropolitan Sessions Judge, Medchal-Malkajgiri District at Kushaiguda.

ii) The petitioners/accused Nos.1 & 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.

¹ (2016) 3 SSC 379

iii) The petitioners/accused Nos.1 & 2 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

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

K.SURENDER, J

Date: 24.01.2024
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THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.24.01.2024

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