

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.892 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.2 in NDSC No.83 of 2023, on the file of Metropolitan Sessions Judge, R.R.District and L.B.Nagar, registered for the offence punishable under Section 8 (c) r/w 20 (b) (ii) (c), 25, 27A, 28 and 29 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. This Court by order dated 11.01.2024 granted the relief of regular bail to A-4 on the ground that contraband of 210 kgs. of dry ganja was seized on 12.04.2023 and sampling was done on 05.08.2023 which is with a delay of nearly 4 months. For the reason of procedure adopted being in violation of observations of the Hon'ble Supreme Court in

Union of India v. Mohan Lal and Another¹, the bail was granted. The petitioner is also standing on the same footing.

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***², this Court deems it appropriate to grant the relief of regular bail, 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, R.R.District at L.B.Nagar.

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.

¹ (2016) 3 SSC 379

² (2016) 3 SSC 379

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

K.SURENDER, J

Date: 29.01.2024
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THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.29.01.2024

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