

THE HONOURABLE DR.JUSTICE G.RADHA RANI**CRIMINAL PETITION No.1406 OF 2024****O R D E R:**

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 Crime No.11 of 2024 on the file of Station House Officer, Malkajgiri Police Station, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) of Narcotic Drugs And Psychotropic Substances Act-1985.

2. The case of the prosecution in brief was that on 07.01.2024 on reliable information, the Sub Inspector of Police of Malkajgiri Police Station conducted vehicle checking in front of AMR planet, Moula-Ali, Malkajgiri and found two persons coming on a Honda Activa Vehicle bearing No.TS-08-HY-4416 and on checking the vehicle found 34 Ziplock covers and one big plastic cover with the contraband substance in the dickey, conducted panchanama and seized the contraband. On weighing it found that the 34 packets were containing 20 grams each, total 680 grams and the loose ganja on weighment found to be 620 grams, total 1300 grams,

seized the same under the cover of panchanama by following due procedure of law and brought the accused to the Police Station and lodged the report.

3. Heard learned counsel for the petitioner/Accused No.2 and learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that there was non-compliance of Section 50 of Narcotic Drugs And Psychotropic Substances Act-1985 as the samples were drawn in the presence of mediators but not in the presence of Magistrate. He further contended that the petitioner was a degree student and prayed to enlarge him on bail.

5. Learned Additional Public Prosecutor submitted that there were no criminal antecedents reported against the petitioner/accused No.2 herein and an intermediary quantity of contraband was seized from his possession.

6. Considering the submissions of both the learned counsel, as there were no criminal antecedents reported against the petitioner and only an intermediary quantity of

dry ganja of about 1.3 Kgs was seized from the possession of the petitioner herein, this Court deems it appropriate to enlarge the petitioner/accused No.2 on regular bail on certain conditions:

7. Accordingly, the Criminal Petition is allowed and the petitioner/accused No.2 shall be released on regular bail subject to the following conditions:

i) The petitioner/Accused No.2 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a like sum each to the satisfaction of the learned I Additional District and Sessions Judge-cum-Metropolitan Sessions Judge, Medchal-Malkajgiri District, Medchal-Malkajgiri District at Kushaiguda.

ii) The petitioner/Accused No.2 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

8. Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date: 09.02.2024
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