

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6409 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.3 in S.C.NDPS.No.151 of 2024 on the file of the Metropolitan Sessions Judge, Hyderabad.
2. I have heard Sri Mohd. Muzafferullah Khan, learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.
3. The case of the prosecution in brief is that 31.10.2023, the petitioner was apprehended while he was in possession of 14 grams of MDMA and 20 grams of Charas. Thus, committed offences under Sections 8 (C) r/w 20 (b) (ii) (A), 22 (C), 27, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

4. Learned counsel for the petitioner submits that the petitioner is innocent. That apart the Forensic Science Laboratory report revealed that the contraband seized from the petitioner is “Methamphetamine” and “Resin of Cannabis”. As per the schedule, the commercial quantity of “Methamphetamine” is 50 grams and “Resin of Cannabis” is 100 grams. Therefore, the petitioner was in possession of intermediary quantity. That apart, the prosecution completed investigation and filed charge sheet and the petitioner is in judicial custody since 31.10.2023. The petitioner is ready to cooperate with judicial process and abide by the conditions that may be imposed by the Court. Hence, prayed for grant of bail.

5. Learned Assistant Public Prosecutor opposed bail application and admits that as per the Forensic Science Laboratory report, the contraband seized from the petitioner were “Methamphetamine” and “Resin of Cannabis” and that the investigation is completed.

6. I have considered the submissions of learned counsel and perused the materials placed on record.

7. Having regard to the fact that the Forensic Science Laboratory report has disclosed the contraband to be “Methamphetamine” and “Resin of Cannabis” and the quantity found in possession is of intermediary quantity and the period of judicial custody undergone and as the charge sheet has been laid, this Court is inclined to accept the prayed for grant of bail.

9. Accordingly, the Criminal Petition is allowed on the following conditions:

- i) The petitioner/accused No.3 shall be released on bail, on executing a self 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 Metropolitan Sessions Judge, Hyderabad.
- ii) The petitioner is directed to make himself available for interrogation as and when required by the Police.
- iii) The petitioner shall not interfere or intimidate the prosecution witnesses nor shall attempt to tamper with the evidence.

- iv) The petitioner shall inform his residence and contact particulars to the investigating officer in an affidavit and update the same from time to time till conclusion of the criminal case.
- v) The petitioner shall not indulge in any illegal activity. If the petitioner commits any breach of the above conditions, the investigating agency/prosecution shall be at liberty to initiate proceedings for cancellation of bail.

Miscellaneous applications, pending if any, shall stand closed.

N.TUKARAMJI, J

Date: 24.06.2024
mmr

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6409 of 2024
Dt.24.06.2024