

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.12570 OF 2023

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 in Crime.No.129 of 2023 on the file of Kalluru Police Station, Khammam District, registered for the offences under Sections 8 (c) r/w. 20(b (ii) (B) 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 petitioner was arrested for being in possession of 21 kgs. of dry ganja on 23.09.2023. He was apprehended while he was on motor cycle along with the contraband.
4. The said contraband was seized in accordance with the prescribed procedure under NDPS Act and the petitioner was produced before the learned Magistrate. Thereafter, he was sent to judicial custody.

5. Learned counsel appearing for the petitioner would submit that procedure was not followed in accordance with the directions of the Hon'ble Supreme Court in ***Union of India vs. Mohanlal and another***¹. There is a delay of nearly 14 days in sampling. Further, there are no criminal antecedents against this petitioner.

6. On the other hand, learned Additional Public Prosecutor opposed the bail application, however, did not dispute the fact that there are no other cases pending against this petitioner.

7. In the said circumstances, this Court is inclined to grant the relief of regular bail, subject to following conditions:-

i) The petitioner/Accused 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 Judicial First Class Magistrate, Sathupally.

ii) The petitioner/Accused after release shall appear before the concerned Station House Officer on every Monday at 10:00 a.m. for a period of eight weeks for the purpose of investigation and thereafter, as and when required.

iii) The petitioner/Accused shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

¹ (2016)3 SCC 379

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

Date : 04.01.2024
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K.SURENDER, J

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Dt.04.01.2024

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