

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT**

**CRIMINAL PETITION No.15153 OF 2016**

**ORDER:**

This Criminal Petition is filed by the petitioner/accused under Section 482 of Cr.PC. seeking to modify the order dated 09/09/2016 passed in CrI.MP.No.2748 of 2016 by the Metropolitan Sessions Judge-cum-Special Judge to Try the Offences under NDPS Act, Visakhapatnam, in Crime No. 357/2015-16 of Prohibition & Excise, Chinthapalli Police Station, registered for the offences under Section 8 (c) r/w 20 (b) (ii) of Narcotic Drugs and Psychotropic Substances Act, 1985.

The case of the prosecution is that on 9/3/2016 the petitioner was intercepted by the Police on credible information and seized 70 kgs of Ganja from the petitioner/accused after following due formalities. The police arrested the petitioner/accused and remanded to judicial custody on the same day.

The petitioner filed bail application in CrI.MP.No.2748 of 2016 on the file of Metropolitan Sessions Judge-cum-Special Judge to Try the Offences under NDPS Act, Visakhapatnam. By order dated 9/9/2016, the learned Sessions Judge granted bail to the petitioner subject to furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand only) with two local sureties. The sureties shall furnish Fixed Deposit Receipt for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each to the satisfaction of Judicial First Class Magistrate, Chinthapalli and the sureties shall furnish their attested copies of Aadhar card and the bail is subject to verification of the genuineness of residence and other details of the accused as well as sureties. The petitioner shall not interfere with the investigation and shall not influence the prosecution witnesses and they shall appear before the Station House Officer, Prohibition & Excise Police

Station, Chinthapalli on every Monday and Friday between 10:00 a.m. and 05:00 p.m. till filing of the charge sheet.

Learned counsel for the petitioner submits that the petitioner hails from poor family and doing coolie works. He further submits that the conditions imposed by the trial court as noted above is too onerous, as the petitioner is below the poverty line, therefore, there is no possibility to furnish Fixed Deposit Receipt for a sum of Rs.50,000/- of the petitioner/accused. Hence, learned counsel for the petitioner/accused prayed to modify the order dated 9/9/2016 passed in CrI.MP.No.2748 of 2016 by the Metropolitan Sessions Judge-cum-Special Judge to Try the Offences under NDPS Act, Visakhapatnam.

Keeping in view the averments made in the instant petition and submission of learned counsel for the petitioner/accused, the order dated 9/9/2016 passed in CrI.MP.No.2748 of 2016 by the learned Metropolitan Sessions Judge-cum-Special Judge to Try the Offences under NDPS Act, Visakhapatnam, I hereby modify the conditions as specified below :

“In the result, the petition is allowed, directing the petitioner/accused to be enlarged on bail on executing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety for a likesum to the satisfaction of learned Judicial Magistrate of First Class, Chinthapalli, and the sureties shall furnish their attested copies of Aadhar Card and this modified order is subject to verification of the genuineness of the residence and other details of the petitioner/accused as well as local sureties. The other conditions imposed by the learned Sessions Judge in the order dated 9/9/2016 in CrI.MP.No.2748 of 2016 shall remain in force”.

Accordingly, the order dated 9/9/2016 passed in CrI.MP.No.2748 of 2016 by the learned Metropolitan Sessions Judge-cum-Special Judge

to Try the Offences under NDPS Act, Visakhapatnam, is modified to the extent indicated above.

Accordingly, the Criminal Petition is allowed.

Miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

Dt.26.10.2016  
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**Suresh Kumar Kait, J**

