

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46584 of 2016

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to quash the condition Nos.1 & 2 in the order dated 29.09.2016 imposed by the Metropolitan Sessions Judge-cum-Special Court for N.D.P.S. Cases at Visakhapatnam in CrI.M.P.No.2876 of 2016.

2. Heard and perused the material available on record.

3. The petitioner is the owner of Maruti Suzuki Dzire Car bearing registration No.TN 21 AD 0550 and the said car was seized in connection with Crime No.734 of 2015-16 on the allegation of transportation of ganja. Seeking interim custody of the said car, petitioner filed CrI.M.P.No.2876 of 2016 before the Metropolitan Sessions Judge-cum-Special Court for N.D.P.S. Cases at Visakhapatnam and by orders dated 29.09.2016 the Court below while granting interim custody of the car imposed certain conditions. Among the conditions, petitioner seeks to quash the condition Nos.1 and 2, which reads thus:

“1. The petitioner shall furnish a fixed deposit equivalent to the value of the vehicle as determined by the Motor Vehicle Inspector and to the satisfaction of the Additional Judicial First Class Magistrate, Narsipatnam;

2. The petitioner shall keep this fixed deposit alive till conclusion of the trial”

4. Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on

merits, the Writ Petition is disposed of with the following directions:

“Condition Nos.1 & 2 in the order dated 29.09.2016 imposed by the Metropolitan Sessions Judge-cum-Special Court for N.D.P.S. Cases at Visakhapatnam in CrI.M.P.No.2876 of 2016 are hereby set aside and instead, the petitioner is directed to execute a personal bond for a sum of Rs.5,00,000/- (Rupees Five lakhs only) to the satisfaction of the Additional Judicial First Class Magistrate, Narsipatnam. All other conditions imposed by the Court below are not interfered with.”

There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

30th December, 2016
Tsr

RAJA ELANGO, J



