

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1003 OF 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner - accused No.3 viz., Ratnala Nageswara Rao @ Nagesh requesting to relax condition No.1 imposed by the learned Metropolitan Sessions Judge - cum – Special Judge to try the offences under NDPS Act, Visakhapatnam, by the order dated 07.12.2016 in Criminal M.P. No.4159 of 2016 in Crime No.77 of 2016 of Dumbriguda Police Station, Visakhapatnam.

The condition is to the effect that the petitioner shall execute a personal bond for a sum of Rs.50,000/- with two sureties who shall furnish fixed deposit for a sum of Rs.50,000/- each to the satisfaction of the Judicial First Class Magistrate, Araku and the bail is subject to verification of genuineness of the sureties.

Sri G.Venkat Reddy, learned counsel for the petitioner, would represent that the petitioner alleged to have been found in possession of 17 Kilograms of *Ganja*, which is not a commercial quantity and, therefore, sought to relax the condition in its entirety, which request is opposed by the learned Additional Public Prosecutor for the State of Andhra Pradesh.

In a similar situation, earlier, this Court relaxed the condition directing the sureties to furnish fixed deposit of Rs.25,000/- as against Rs.50,000/-, as such, to that extent the said condition is modified

directing the sureties to furnish fixed deposit of Rs.25,000/- (Rupees twenty five thousand only) each instead of Rs.50,000/-.

Accordingly, the Criminal Petition is allowed in part modifying the order impugned to the extent indicated above. All other conditions remain unaltered.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

February 7, 2017.

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