

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.827 OF 2017

ORDER:

This Criminal Petition, under Section 440 (2) read with Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner - accused No.1 viz., Killo Somnath requesting to relax the condition imposed by the learned Metropolitan Sessions Judge - cum - I Additional District and Sessions Judge, Visakhapatnam, by the order dated 27.12.2016 in Criminal M.P. No.4297 of 2016 in Crime No.179 of 2016 of Subbavaram Police Station.

2. The learned Sessions Judge while releasing the petitioner on bail directed him to execute a personal bond for a sum of Rs.50,000/- with two (2) sureties for a like sum each and to furnish a fixed deposit for Rs.50,000/- each drawn in the name of the said Court to the satisfaction of the learned Additional Metropolitan Magistrate, Anakapalli.

3. The request herein is to reduce the condition of sureties furnishing fixed deposit of Rs.50,000/- each to that of Rs.5,000/- each as similar condition was relaxed by the orders dated 28.12.2011, 27.12.2016 and 14.12.2016 in Criminal Petition Nos.17211, 17214, 17156 and 16764 of 2016, respectively, as the petitioner herein stands on the same footing.

4. Since the offences alleged against the petitioner are under Section 20(b)(1)(ii) read with Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, certainly, reducing the condition of sureties furnishing fixed deposit of Rs.50,000/- to that of Rs.5,000/- cannot be acceded to.

5. However, the fixed deposit for Rs.50,000/- ordered by the learned Sessions Judge can be reduced to Rs.25,000/- so far as the sureties are concerned, directing them to furnish a fixed deposit of Rs.25,000/- (Rupees twenty five thousand only) each instead of Rs.50,000/-.

6. 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 1, 2017.

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