

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1186 of 2017

ORDER :

Heard Sri I. Chandra Sekhar, learned counsel for the petitioners.

2. The learned counsel seeks relaxation of condition imposed by the learned Metropolitan Sessions Judge – cum – Special Judge to try the offences under NDPS Act, Visakhapatnam, on 14.12.2016 in CrI.M.P. No.4246 of 2016. It is according to the learned counsel that only 40 Kilograms of ganja was being transported by the petitioners.

3. The petitioners herein are arraigned as accused Nos.1 to 3. The learned counsel for the petitioners would submit that as the petitioners are eking out their livelihood by doing coolie work, the Court below ordering the petitioners each to execute a personal bond for Rs.1,00,000/- with two sureties each who shall furnish a fixed deposit of Rs.1,00,000/- each to the satisfaction of the Judicial First Class Magistrate, Paderu, is onerous, therefore, the said condition has to be relaxed.

4. Learned Additional Public Prosecution for the State of Andhra Pradesh would come out with the submission that in fact the ganja was being transported in two vehicles and the first vehicle i.e., Scorpio was carrying 40 Kilograms of ganja and the second vehicle i.e., Tata Sumo was carrying 460 Kilograms of ganja. Thus, a total 540 Kilograms of ganja was being transported by the petitioners in two vehicles and both the vehicles were seized under a panchanama.

5. Learned counsel for the petitioners is unable to state whether the petitioners moved bail application or not. Be that as it may, when 540 kilograms of ganja, which amounts to commercial quantity, was being transported by the petitioners in two vehicles, certainly, the condition imposed by the Court below cannot be relaxed.

6. Accordingly, the criminal petition is dismissed at admission stage.

7. Miscellaneous petitions pending, if any, shall stand dismissed.

A. SHANKAR NARAYANA, J

13th February 2017.

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