

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Criminal Petition No.2280 of 2017

ORDER:

This petition is filed under Section 440(2) r/w 482 of Cr.P.C. by the petitioner-A-3 to relax the conditions imposed the Metropolitan Sessions Judge-cum-Special Judge to try the offences under NDPS Act, Visakhapatnam in Crime No.5 of 2017 of Proh. & Excise Station, Chinthapalli by order dated 07.02.2017 in CrI.M.P.No.332 of 2017.

The Metropolitan Sessions Judge-cum-Special Judge to try the offences under NDPS Act, Visakhapatnam while enlarging the petitioner on bail in Crime No.5 of 2017 of Proh. & Excise Station, Chinthapalli by order dated 07.02.2017 in CrI.M.P.No.332 of 2017, imposed the following conditions:

1. The petitioner/A3 shall be enlarged on bail on executing personal bond for a sum of RS1,00,000/- with two sureties who shall each furnish a fixed deposit of Rs.1,00,000/- drawn in the name of this Court and the same shall be submitted to the satisfaction of the learned Additional Judicial First Class Magistrate, Chodavaram. The bail is subject to verification of genuineness of the sureties.
2. The petitioner/A3 and sureties shall submit the attested copies of their Aadhar cards and the bail will be subject to verification of genuineness of the Aadhar card details.
3. The petitioner shall not interfere with the investigation and shall not tamper with the evidence and shall not threaten the witnesses.

4. The petitioner shall appear before the court when summoned.
5. The petitioner shall assist in the investigation when required by the investigating agency.
6. The petitioner shall surrender his passport if any before the concerned Magistrate.
7. The petitioner shall appear before this Court when summoned and assist the investigation as and when required by the investigating agency.

The condition No.1 is pertaining to furnishing sureties and fixed deposit of Rs.1,00,000/- in the name of the Court.

Now, the petitioner is contending that on account of inability to furnish F.D.R. for Rs.1,00,000/- , he is continuing in jail, though the bail was granted to him. However, taking into consideration the facts and circumstances of the case, I find that it is not a fit case to reduce the bond amount since the penalty prescribed for the offence under Section 20(b)(ii)(c) r/w 8(c) of N.D.P.S. Act is Rs.1,00,000/-. Therefore, I find no ground to relax the conditions and the petition is liable to be dismissed.

In the result, the criminal petition is dismissed. Miscellaneous petitions, if any, filed in this petition shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date: 23.03.2017
Ccm

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ccm