

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.758 OF 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners - accused Nos.1 to 3 viz., Potangi Adayya, Golluru Someswara Rao and Pottangi Jagabandhu, respectively, requesting to relax the condition imposed by the learned Metropolitan Sessions Judge - cum - Special Judge to try the offences under Narcotic Drugs and Psychotropic Substances Act, Visakhapatnam, by the order dated 04.01.2017 in Criminal M.P. No.4643 of 2016 in Crime No.183 of 2016 of Vizaianagaram Railway Police Station.

2. The learned Special Judge while releasing the petitioners on bail directed them to execute a personal bond for a sum of Rs.50,000/- each with two (2) sureties for a like sum each and to furnish a fixed deposit of Rs.50,000/- each drawn in the name of the said Court and the same shall be submitted to the satisfaction of the learned II Metropolitan Magistrate for Railways, Visakhapatnam.

3. The request herein is to set aside the condition of fixed deposit of Rs.50,000/- as similar condition was relaxed by the orders dated 02.01.2017 and 03.01.2017 in Criminal M.P. Nos.77, 64 and 30 of 2017, respectively, as the petitioners herein stand on the same footing.

4. Since the offences alleged against the petitioners are under Section 8(c) read with Section 20(b)(2)(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985, certainly, relaxation of the condition of furnishing fixed deposit for Rs.50,000/- cannot be acceded to.

5. However, the fixed deposit for Rs.50,000/- ordered by the learned Special Judge can be reduced to Rs.25,000/- so far as 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 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.
PV