

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.772 of 2017

O R D E R:

The present Criminal Petition is filed by the accused in Crime No. 451 of 2016 of Visakhapatnam Railway Police Station, GRP Vijayawada District, registered under Section 20(b) (ii) (a) read with Section 8 (c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act"), seeking to relax the Condition No. 1 imposed by the learned Metropolitan Sessions Judge-cum- Special Judge to Try the Offences under NDPS Act at Visakhapatnam, in CrI.M.P.No. 4760 of 2016 by his order dated 05.1.2017. The quantity involved is 6 Kgs of Ganja.

2. Heard Sri G. Venkat Reddy, learned counsel appearing for petitioner and learned Public Prosecutor for the State of Andhra Pradesh appearing for respondent.

3. Learned counsel appearing for petitioner would submit that the condition requiring the petitioner to furnish two sureties each and that each surety shall deposit Rs. 50,000/- by way of fixed deposit is onerous in view of the fact that the petitioner is a poor coolie, and therefore, seeks interference by this Court and requests to modify the said condition.

4. Irrespective of the fact that the commercial quantity is not involved, still the offence is one punishable under Section 20 (b) (ii) (a) read with Section 8(c) of NDPS Act. In that view of the matter, it would be reasonable to reduce the amount of Rs. 50,000/- to that of

Rs. 25,000/- requiring the sureties to deposit by way of fixed deposit by each of them.

5. With the above modification, of the order dated 05.1.2017 passed by the Metropolitan Sessions Judge-cum- Special Judge to Try the Offences under NDPS Act at Visakhapatnam the Criminal Petition is disposed of. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE A. SHANKAR NARAYANA

Date: 01.02.2017
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