

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.1382 OF 2017

ORDER:

This Criminal Petition is filed by the petitioner under Section 439 (1) (b) of Cr.P.C. to relax the condition imposed by the learned Metropolitan Sessions Judge-cum-I Additional District and Sessions Judge, Visakhapatnam on 1-2-2017 in CrI.M.P.No.237 of 2017 of Hukumpeta Police Station, Visakhapatnam District, registered for the offences punishable under Section 8 (c) read with 20 (b) (ii) (c) of N.D.P.S.Act.

Petitioner herein is A.1.

The Sessions Judge, while enlarging the petitioner on bail, imposed a condition that the petitioner has to execute personal bond of Rs.1,00,000/- with two sureties each on furnishing fixed deposit receipt for Rs.1,00,000/- drawn on the name of that court to the satisfaction of Judicial First Class Magistrate, Paderu.

Present petition is filed contending that since the petitioner and others are residents of Maharashtra State and if such condition is imposed, it is difficult for him to furnish sureties to deposit Rs.1,00,000/-each.

No doubt, the learned Sessions Judge imposed a condition referred above and for the reasons that the petitioner is the resident of Maharashtra State and if for any reason, the amount is reduced to minimum, he does not bother to forego the amount to avoid heavy penalties prescribed under the Act and may not face trial of the case.

Therefore, trial court imposed such a stringent condition only with a view to secure the presence of the petitioner during trial. The statutory heavy penalty prescribed for such offence i.e., punishment under the Act is for twenty years and fine, shall not be less than Rs.1,00,000/- which may extend to Rs.2,00,000/-. Therefore, I find that the condition imposed by the Sessions Court is not onerous and it is imposed only keeping in view the heavy penalty prescribed under the Act. Hence, I find no ground to relax the condition imposed by the learned Sessions Judge and as such, this petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.



JUSTICE M.SATYANARAYANA MURTHY

Dated 21-2-2017.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 21-2-2017.

Dvs