

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.137 of 2017

ORDER:

This petition under section 482 of Cr.P.C., is filed to quash the order dated 03-10-2016 passed in CrI.MP.No.228/2016 on the file of Metropolitan Sessions Judge-cum-Special Court for N.D.P.S., Cases at Visakahapatnam.

2. The petitioner filed a petition before the Court below under Section 457 of IPC., for release of the vehicle Ford Figo 1.4 TDCI EXI bearing No.AP 31 BM 0599, Chasis No.MAJ1XXMRJ1AB53063.

3. The vehicle allegedly involved in the offences punishable under Section 25 and 20-B of Narcotic Drugs and Psychotropic Substances Act, for short 'NDPS Act', but the Metropolitan Sessions Judge had ordered for release of the vehicle on one of the condition that the petitioner shall deposit equivalent to the value of the vehicle on assessment of R.T.A authorities. Now the said condition is to be changed. The petitioner is owner of the vehicle referred supra, but as per the provisions of the NDPS Act, if the Court ultimately found the accused guilty, the vehicle involved in the crime is liable to be confiscated to the state. Therefore, taking into consideration of the provisions of NDPS Act, imposition of condition is reasonable, but directing to deposit such amount appears to be onerous and such condition virtually amounts

to denial of release. Therefore, taking into consideration of the facts and circumstances of the case, I deem it appropriate that the condition of depositing into bank as modified as furnishing bank guaranty for the equivalent value of the vehicle and keep the same alive till disposal of the NDPS case.

4. Accordingly, condition is modified to the extent indicated above.

5. The Criminal Petition is disposed of and miscellaneous petitions, if any, pending in this criminal petition, shall stand dismissed.

Date: 05.01.2016
mrh

M. SATYANARAYANA MURTHY, J

