

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1403 OF 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners - accused Nos.1 and 2 requesting to relax condition imposed by the learned Metropolitan Sessions Judge - cum - I-Additional District and Sessions Judge, Visakhapatnam, by the order dated 15.09.2016 in Criminal M.P. No.2467 of 2016 in Crime No.194 of 2016-17 of Prohibition and Excise Police Station, Paderu.

The 1st condition is to the effect that the petitioners shall execute a personal bond of Rs.1,00,000/- each with two local sureties and the sureties shall furnish Fixed Deposit Receipt for a sum of Rs.1,00,000/- each to the satisfaction of the learned Judicial First Class Magistrate, Paderu, and the bail is subject to verification of genuineness of the sureties.

Sri R. Siva Sai Swaroop, learned counsel for the petitioners, would represent that the petitioners and with other two accused persons alleged to have been found in possession of 40 Kilograms of *Ganja*, which is not a commercial quantity and, therefore, sought to relax the condition in its entirety, which request is opposed by the learned Additional Public Prosecutor for the State of Andhra Pradesh.

In a similar situation, earlier, this Court relaxed the condition directing the sureties to furnish fixed deposit of Rs.25,000/- as against Rs.50,000/-, as such, to that extent the said condition is modified

directing the sureties to furnish fixed deposit of Rs.50,000/- (Rupees fifty thousand only) each instead of Rs.1,00,000/-.

Accordingly, the Criminal Petition is allowed in part modifying the order impugned 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 16, 2017.

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