

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1034 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 viz., Setti Padmanabham and Vantala Neelakantam, requesting to relax condition No.1 imposed by the learned Metropolitan Sessions Judge - cum - Special Judge to try the offences under NDPS Act at Visakhapatnam, by the order dated 15.11.2016 in Criminal M.P. No.3851 of 2016 in Crime No.382 of 2016 of Kancharapalem Police Station, Visakhapatnam City.

2. The said condition is to the effect that the petitioners shall execute a personal bond each for a sum of Rs.1,00,000/- with two sureties who shall furnish a fixed deposit for Rs.1,00,000/- each to the satisfaction of the learned III Metropolitan Magistrate, Visakhapatnam and the bail is subject to genuineness of the sureties.

3. Sri Chandra Sekhar Ilapakurti, learned counsel for the petitioners, would represent that the petitioners alleged to have been found in possession of 02 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.

4. In a similar situation, earlier, this Court relaxed the condition directing the sureties to furnish fixed deposit of Rs.25,000/- as against Rs.1,00,000/-, as such, to that extent the said condition is modified directing the sureties to furnish fixed deposit of Rs.25,000/- (Rupees twenty five thousand only) each instead of Rs.1,00,000/-.

5. 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.

February 07, 2017.
Mgr

A. SHANKAR NARAYANA, J

