

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46786 of 2016

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India aggrieved by conditions Nos.1 and 2 imposed by the Metropolitan Sessions Judge-cum-Special Court for NDPS Cases at Visakhapatnam, while granting interim custody of Auto Rickshaw bearing Reg.No.AP 31 TC 4254, Chasis No.MD2A29AZ8DWB11508, Engine No.BBZWDB10831 to the petitioner, vide order dated 19.12.2016 in Crl.M.P.No.3901 of 2016.

2. The condition Nos.1 and 2 challenged in this petition are as follows:

“(1) The petitioner shall furnish a fixed deposit equivalent to the value of the vehicle as determined by the Motor Vehicle Inspector and to the satisfaction of the Additional Judicial First Class Magistrate, Narsipatnam;

(2)The petitioner shall keep the fixed deposit alive till conclusion of the trial.”

3. Heard and perused the material available on record.

4. Considering the circumstances of the case and the submissions made by the learned Counsel for the petitioner, this Court is inclined to pass the following order:

“Conditions Nos.1 and 2 imposed by the learned Metropolitan Sessions Judge-cum-Special Court for NDPS Cases at Visakhapatnam, in Crl.M.P.No.3901 of 2016, vide order dated 19.12.2016, while granting interim custody of Auto Rickshaw bearing Reg. Reg.No.AP 31 TC 4254, Chasis No.MD2A29AZ8DWB11508, Engine No.BBZWDB10831 to the petitioner, are set aside. However, the petitioner is directed to

execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety for the like sum to the satisfaction of the Additional Judicial First Class Magistrate, Narsipatnam, for release of the above vehicle. Rest of the conditions imposed by the learned Metropolitan Sessions Judge shall remain.”

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Date: 2nd January, 2017
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RAJA ELANGO, J



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