

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.770 of 2017

ORDER:

The present Criminal Petition is filed by A2 & A3 respectively, in Crime No. 2 of 2017 of Butchiyyapeta Police Station, registered under Section 20(b) (ii) (c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act"), seeking to relax the Condition No. 1 imposed by the learned Metropolitan Sessions Judge-cum- I Additional District & Sessions Judge, Visakhapatnam in CrI.M.P.No. 139 of 2017 by his order dated 12.1.2017. The quantity involved is 12 Kgs of Ganja with reference to each of the accused.

2. Heard Sri K. Subrahmanyam, learned counsel appearing for petitioners and learned Public Prosecutor appearing for respondents.

3. Learned counsel appearing for petitioners would submit that the condition requiring the petitioners to furnish two sureties each and that each surety shall deposit Rs. 50,000/- by way of fixed deposit is onerous in view of the fact that the petitioners are agriculturists, and therefore, seeks interference by this Court and requests to modify the said condition making it to Rs. 5,000/- fixed deposit.

4. Irrespective of the fact that the commercial quantity is not involved, still, the offence is one punishable under Section 20 (b) (ii) (c) of NDPS Act. In that view of the matter, it would be reasonable to reduce the

amount of Rs. 50,000/- to that of Rs. 25,000/- requiring the sureties to deposit by way of fixed deposit by each of them.

5. With the above modification of the order dated 12.1.2017 passed by the Metropolitan Sessions Judge-cum- I Additional District and Sessions Judge, Visakhapatnam, the Criminal Petition is disposed of. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE A. SHANKAR NARAYANA

Date: 01.02.2017
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