

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1008 OF 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners - accused Nos.1, 2, 4 and 5 respectively, requesting to relax condition Nos.1 and 2 imposed by the learned Metropolitan Sessions Judge - cum – I- Additional District and Sessions Judge, Visakhapatnam, by the common order dated 23.01.2017 in Criminal M.P.Nos.103 and 138 of 2017 in Crime No.1 of 2017 of Butchiyyapeta Police Station, Visakhapatnam.

The condition is to the effect that the petitioner/A.1 shall execute personal bond of Rs.1,00,000/- with two sureties who shall each furnish a fixed deposit of Rs.1,00,000/-; and the petitioners/A.2, A.3, A.4 to A.6 shall execute personal bond of Rs.50,000/- each with two sureties each who shall each furnish a fixed deposit of Rs.50,000/-, drawn in the name of the Court and the same shall be produced to the satisfaction of the Additional Judicial First Class Magistrate, Chodavaram.

Sri G.Venkat Reddy, learned counsel for the petitioner, would represent that the petitioner along with other accused alleged to have been found in possession of 24 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.25,000/- (Rupees twenty five thousand only) each instead of Rs.50,000/- insofar as petitioner/A.2, A.4 and A.5 is concerned and to furnish fixed deposit of Rs.50,000/- (Rupees fifty thousand only) instead of Rs.1,00,000/- insofar as petitioner/A.1 is concerned.

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 7, 2017.

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