

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.705 OF 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners - accused Nos.2 and 3 viz., Korra Prasad and Gemmal Krishna, respectively, requesting to relax the condition imposed by the learned Metropolitan Sessions Judge - cum - I Additional Sessions Judge, Visakhapatnam, by the order dated 17.11.2016 in Criminal M.P. No.3890 of 2016 in Crime No.45 of 2016 of K.D. Peta Police Station.

2. The learned Sessions Judge while releasing the petitioners on bail directed them to execute a personal bond for a sum of Rs.50,000/- each with two (2) sureties for a like sum each and to furnish a fixed deposit of Rs.50,000/- each to the satisfaction of the learned Additional Judicial Magistrate of First Class, Narsipatnam.

3. The request herein is to reduce the condition of furnishing fixed deposit of Rs.50,000/- each to that of Rs.5,000/- each as similar condition was relaxed by the orders dated 28.12.2011, 28.12.2016, 27.12.2016 and 14.12.2016 in Criminal Petition Nos.17211, 17214, 17156 and 16764 of 2016, respectively, as the petitioners herein stand on the same footing.

4. Since the offences alleged against the petitioners are under Section 8(c) read with Section 20(b)(2)(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985, certainly, reducing the condition of furnishing fixed deposit of Rs.50,000/- to that of Rs.5,000/- cannot be acceded to.

5. However, the fixed deposit for Rs.50,000/- ordered by the learned Sessions Judge can be reduced to Rs.25,000/- so far as sureties are concerned, directing them to furnish a fixed deposit receipt of Rs.25,000/- (Rupees twenty five thousand only) each instead of Rs.50,000/-.

6. Accordingly, the Criminal Petition is allowed 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 1, 2017.

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