

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7939 OF 2017

ORDER:

Heard learned counsel for the petitioner/A2, pending on the file of the I Additional District and Sessions Judge/ Special Judge for the trial of the offences under NDPS Act, East Godavari District at Rajahmundry, for the offences punishable under section 8(c) r/w 20(b)(ii)(c) of NDPS Act of Maredumilli Police Station, outcome of Crime No.50/2013 and also heard the learned public prosecutor, representing the respondent State.

2. According to the petitioner, he was already enlarged on bail and he appeared for some time before the Court of Sessions in the sessions case supra. However, he could not attend on 12.02.2016. When there is no proper representation by advocate much less by filing application and NBW was issued and the same recorded as pending and posted to 24.02.2016. On that day, even surety notices of A2 issued by posting the matter to 15.03.2016. He, now, by filing the application on 18.07.2017 sought for recall of the said N.B.W. issued against him nearly one and half years later to it. It is his version that he went to eke out his livelihood by collecting of bamboos in the forest towards Orissa and could not return and the advocate also not in contact to him. It is no doubt nothing but a ruse. However,

to sub-serve the ends of justice, as surety notices also issued and there is nothing to show bail is not cancelled, needless to say, if at all cancelled, the order has no application to consider and if not cancelled by any specific order, the bail no way seizes by virtue of N.B.W. or surety notices, but for to collect penalty on the earlier bond executed by obtaining fresh bonds.

3. Accordingly and with the above direction, this criminal petition is disposed of, to learned Special Judge to so consider in the event of his surrender and filing application offering fresh solvency by payment of penalty on the earlier bonds.

4. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

21.09.2017
SS

DR.B.SIVA SANKARA RAO, J