

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.763 of 2017

ORDER:

The present Criminal Petition is filed under Section 482 Cr.P.C requesting to relax the Condition No. 1 imposed by the learned Metropolitan Sessions Judge-cum-I Additional District and Sessions Judge, Visakhapatnam, in CrI.M.P.No. 4239 of 2016 dated 26.12.2016.

2. Petitioner is A2 in crime No. 49 of 2016 of KD Peta Police Station. He alleged to have committed the offences punishable under Sections 20 (b) (1) and 25 of Narcotic Drugs & Psychotropic Substances Act, 1985.

3. Heard Sri Mangena Sree Rama Rao, learned counsel appearing for petitioner and learned Public Prosecutor for the State of Andhra Pradesh appearing for respondents.

4. Learned counsel appearing for petitioner submits that Condition No. 1 requiring the petitioner to furnish two sureties and each shall furnish a fixed deposit of Rs. 1,00,000/- to the satisfaction of learned Additional Judicial First Class Magistrate, Narsipatnam, is too excessive and causes hardship to the petitioner.

5. When questioned as to the quantum involved in the present crime, the learned counsel would fairly state it was 650 kgs. When looked at the quantity, it cannot be said that it is non-commercial quantity but it is commercial in nature. In which case, certainly, the condition of furnishing fixed deposits to the tune of Rs. 1,00,000/- each the sureties cannot be

said as excessive and causing hardship to the petitioner, viewed in the context of quantity as well as the gravity of the crime.

6. Accordingly, the Criminal Petition is dismissed. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE A. SHANKAR NARAYANA

Date: 01.02.2017

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