

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION NO.5894 OF 2017

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. challenging the order, dated 17-05-2017 in Crl.M.P.No.1656 of 2017 (Cr.No.7 of 2017 of Proh. & Excise P.S. Tirumala) on the file of the II Addl.Judl. Magistrate of I Class, Tirupathi, Chittoor District.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

3. A perusal of the record reveals that police seized jeep bearing No. AP 36W 1867 on 06-02-2017 on the sole ground that the driver of the vehicle was transporting 90 grams of dry ganja. The vehicle was kept in the police station. While the things stood thus, the petitioner herein filed Crl.M.P.No.1656 of 2017 for release of the vehicle. After affording reasonable opportunity to both sides, the trial Court allowed the petition by imposing conditions.

4. The only point urged by the learned counsel for the petitioner is that condition No.1 imposed by the trial Court is onerous one; therefore, the same may be modified. In all fairness, learned counsel for the petitioner submitted that the value of the vehicle is Rs.2,00,000/-. The trial Court directed the petitioner to furnish bank guarantee for Rs.2,00,000/-. Even as per the allegations made in the complaint, the petitioner is not an accused in the criminal case.

5. Taking into consideration the facts and circumstances of the case, the condition No.1 is modified as

‘the petitioner shall furnish the bank guarantee for Rs.1,00,000/- (Rupees one lakh only) and submit title deeds of the immovable property worth of Rs.1,00,000/-‘ as security to the satisfaction of the Court below. The others conditions remain intact.

6. Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending, in this Petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED:20-07-2017.

Hsd

