

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE TWENTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY**

PRESENT

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

I.A. No.2 OF 2020

IN

CRIMINAL PETITION NO: 1481 OF 2020

Between:

Surender Singh, Son of Ranjith Singh, Aged about 40 years, Occ. Business - cum -
Owner of Lorry Container bearing No. RJ09GB3830, Resident of Near Sanjay
Nagar, Gurudwara, A - 15, Mahendra Park, Adarsh Nagar, North West Delhi, Delhi
...**Petitioner/Petitioner**

AND

The State of Telangana, represented by its Public Prosecutor, High Court Buildings,
Hyderabad

...**Respondent/Respondent**

I.A. NO: 2 OF 2020

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to post the CrI.P. No.1481 of 2020 under the caption "For Being Mentioned" and to direct the Court below accept the cash surety or fixed deposit of Rs.5,00,000/- (Rupees Five lakhs only) in the name of the Special Sessions Judge for Trial of Cases under Narcotic Drugs and Psychotropic Substances Act - cum - I Additional Sessions Judge Khammam apart from personal bond.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri J. P. Srikanth, Advocate for the Petitioner and the Public Prosecutor on behalf of the Sole Respondent.

The Court made the following ORDER:

This application is filed by the petitioner-owner of the Lorry container bearing No.RJ-09-GB-3830. The petitioner has filed an application under Section 451 Cr.P.C., before the Court below for interim custody and the same was dismissed by the Court below. The petitioner has filed the present criminal petition i.e. CrI.P. No.1481 of 2020 challenging the said order and the said criminal petition was disposed of by this Court vide order, dated 02.03.2020, on certain conditions including the condition of execution of personal bond for a sum of Rs.5,00,000/- with one surety for a like sum to the satisfaction of the Special Sessions Judge for Trial of cases under Narcotic Drugs and Psychotropic Substances Act-cum-I Additional Sessions Judge, Khammam.

Learned counsel for the petitioner would submit that the petitioner is from Delhi. Therefore, he has furnished surety of a person from Delhi for a sum of Rs.5,00,000/- in compliance of the order dated 02.03.2020 in CrI.P. No.1481 of 2020. He would further submit that the Court below is insisting for furnishing of local surety. Since the petitioner is from Delhi, he is not in a position to furnish local surety.

On perusal of the above said order, dated 02.03.2020, this Court imposed a condition that the petitioner shall execute a personal bond for a sum of Rs.5,00,000/- with one surety for a like sum to the satisfaction of the Special Sessions Judge for Trial of cases under Narcotic Drugs and Psychotropic Substances Act-cum-I Additional Sessions Judge, Khammam. This Court has also imposed another condition that the petitioner shall deposit the original Registration Certificate of the vehicle in the Court and the petitioner shall give an undertaking to produce the vehicle as and when required either by the Investigating Agency or by the court and also give an undertaking that he will not alienate, encumber or alter the physical features of the vehicle.

Thus, the petitioner has to furnish one surety for Rs.5,00,000/-, deposit the original RC of the vehicle and given an undertaking as mentioned above. There is no condition that the petitioner shall furnish a local surety. Therefore, the insistence of the Court below for furnishing of local surety is unsustainable.

Therefore, the Court below i.e. Special Sessions Judge for Trial of cases under Narcotic Drugs and Psychotropic Substances Act-cum-I Additional Sessions Judge, Khammam, is directed to release the lorry container bearing No.RJ-09-GB-3830 to the petitioner subject to compliance of the conditions imposed by this Court in the order dated 02.03.2020 in CrI.P. No.1481 of 2020 without insisting the petitioner to furnish local surety.

Accordingly, the I.A. is ordered.

SD/- M. MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Designated Judge for Trial of Cases under NDPS Act - cum - I Additional Sessions Judge, Khammam
2. The Station House Officer, Khammam Rural Police Station, Khammam.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri J. P. Srikanth, Advocate [OPUC]
5. Two CD Copies

MP



HIGH COURT

DATED:20/10/2020

ORDER

I.A.No.2 OF 2020
IN
CRLP.No.1481 of 2020



ORDERING THE I.A. NO. 2 OF 2020

⑦ VLV
23/10/20