

THE HONOURABLE SRI JUSTICE K. LAKSHMAN**CRIMINAL PETITION No.2186 OF 2022****ORDER:**

This Criminal Petition is filed under Section 482 read with 440 (2) of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') to modify the conditions imposed in the order dated 09.02.2022 in CrI.M.P.No.143 of 2022 in HQPOR No.02/2022-Cus.Prev.(Comp.No.), HQPOR No.12/2022-Cus.Prev.(Reg.No.) of the Superintendent, Customs (Preventive), Customs Commissionerate passed by the Special Judge for Trial of Cases Under Economic Offences, at Hyderabad, by reducing the amount of sureties so imposed from two sureties of Rs.1,00,000/- each with two sureties with likesum each.

2. Heard Sri Syed Ali Qasim Immad, learned counsel for the petitioner/Accused and Sri B.Narasimha Sharma, learned standing counsel appearing for respondent and perused the record.

3. The petitioner is sole accused in the said crime and the offence alleged against the petitioner herein is under Section 135(1) of the Customs Act. He has filed an application vide CrI.M.P.No.143 of 2022 on 09.02.2022 seeking bail, the same was allowed and the petitioner is ordered to be enlarged on bail on his executing a personal bond for Rs.1,00,000/-(Rupees One Lakh only) with two sureties for likesum each to the satisfaction of the said Court.

4. Feeling aggrieved with the said condition imposed by the Court below, the petitioner herein has filed the present criminal petition.

5. Perusal of the record would reveal that the petitioner was arrested on 08.02.2022. He is in jail since then. The offence alleged against the petitioner herein is under Section 135(1) of the Customs Act, and it is bailable offence.

6. The Apex Court in **Moti Ram v. State of Madhya Pradesh**¹ has categorically held that the Courts while imposing conditions has to consider several aspects including the nature of offence, avocation of the petitioner and other factors.

7. In view of the law laid down in the said judgment, According to this Court, the said amount of Rs.1,00,000/- (Rupees One Lakh only) is on higher side and Rs.10,000/- (Rupees Ten Thousand only) is reasonable.

8. In view of the above, the Criminal Petition is disposed of. The impugned order dated 09.02.2022 in Cr1.M.P.No.143 of 2022 in HQPOR No.02/2022-Cus.Prev.(Comp.No.), HQPOR No.12/2022-Cus.Prev.(Reg.No.) of the Superintendent, Customs (Preventive), Customs Commissionerate passed by the Special Judge for Trial of Cases Under Economic Offences, at Hyderabad, is modified to the above extent and the petitioner/accused is ordered to be released on

¹ (1978) 4 SCC 47

bail on his executing a personal bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties likesum each to the satisfaction of the Court below. The other conditions imposed by the Court below remains unaltered.

As a sequel, the miscellaneous Petitions, pending if any, shall stand closed.

K. LAKSHMAN, J

Date: 10.03.2022

Note: Issue C.C. tomorrow.

b/o.vvr