

HONOURABLE SRI JUSTICE D.V.S.S. SOMAYAJULU

CRIMINAL PETITION No.4157 of 2019

ORDER:

The Criminal Petition is filed by the petitioners/Accused Nos.1 to 3, under Section 439 (1) (b) of the Code of Criminal Procedure to relax the conditions imposed on the petitioners in CrI.M.P.No.789 of 2019, dated 16.05.2019, by the Metropolitan Sessions Judge-cum-Special Judge for Trial of Offences under NDPS Act at Visakhapatnam.

Heard, Sri G. Venkat Reddy, learned counsel appearing for the petitioners and of the learned Public Prosecutor appearing for respondent-State.

The essential question raised is that the conditions, which are imposed by the lower Court, are very difficult to fulfill. Learned counsel submits that because of the conditions imposed, the petitioners are unable to furnish the security and cash deposit. Though the bail was granted on 16.05.2019 till date the petitioners are in custody. He states that till now the petitioners could not comply with the order, as they are poor coolies.

Learned Public Prosecutor states that the conditions imposed are valid and do not need any interference.

Considering the submissions made by the learned counsel, this Court is of the opinion that the order, dated 16.05.2019, passed in Cril.M.P.No.789 of 2019, by the learned Metropolitan Sessions Judge-cum-Special Judge for Trial of Offences under NDPS Act at Visakhapatnam, should be modified.

Therefore, the conditions are modified. The petitioners shall be granted bail on condition that they execute a personal bonds for Rs.1,00,000/- (Rupees one lakh only) each along with one surety

each to the satisfaction of the Metropolitan Sessions Judge-cum-Special Judge for Trial of Offences under NDPS Act at Visakhapatnam. It is made clear that the deposit of Rs.1,00,000/- as security, as directed in the earlier order, is not necessary. The other conditions remained intact.

Accordingly, the petition is disposed of.

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

D.V.S.S. SOMAYAJULU, J

Date: 31.07.2019
PGR