

**THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

**CRIMINAL PETITION No.4063 OF 2022**

**ORDER:**

This application is filed under Sections 439(1) and 440 Cr.P.C. praying this Court to relax/modify the conditions imposed by the lower Court in Crl.M.P.No.122 of 2022 in Crime No.134 of 2021 of Special Enforcement Bureau, Tanuku, West Godavari District, on the file of the Special Judge under Narcotic Drugs Psychotropic Substances Act-cum-I Additional District and Sessions Judge, West Godavari, Eluru.

2. Petitioners/A1 to A3, were carrying 84 Kgs., of Ganja in white colour Hyundai Verna car, without registration number. They were arrested on 27.08.2021 and contraband was seized. Since charge sheet was not filed, petitioners were granted default bail under Section 167(2)(a)(ii) of the Cr.P.C. As the petitioners belong to the State of Uttar Pradesh, while granting bail, the lower court imposed the following three conditions:

- a) Petitioners/accused No.1 to 3 shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) each with two sureties for the like sum each to the satisfaction of Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, Tanuku;
- b) The sureties must produce their original or certified copies of documents of title relating to the property for which the solvency certificates furnished for verification by the learned Magistrate;
- c) Petitioners/accused No.1 to 3 are further directed to produce authenticated copy of their address particulars to the satisfaction of the learned Magistrate."

3. Heard Sri Kakumanu Joji Amrutha Raju, learned counsel for the petitioners and Sri Soora Venkata Sainath, Learned Special Assistant Public Prosecutor for respondent-State.

4. The learned counsel for the petitioners would contend that while granting bail, the lower Court has imposed onerous condition by directing the sureties to produce their original or certified copies of the documents of title relating to the property for which the solvency certificates were furnished for verification by the learned Magistrate. While imposing such onerous condition, the learned Sessions Judge has not considered the aspect that the petitioner were falsely implicated in the said case. The learned Sessions Judge also not considered the condition of the petitioners, who are eking out their livelihood by doing coolie work and their earning are meager. Hence, prayed to modify/relax the condition (b) of the conditions imposed while granting bail.

5. The learned Special Assistant Public Prosecutor would contend that the accused belong to the State of Uttar Pradesh and if they are enlarged on bail, without imposing any conditions and if they jump on bail, it is impossible to secure their presence to conduct trial. Hence, prayed for dismissal of the petition.

6. I have perused the entire record and given anxious consideration to the material therein and to the contentions of the both the counsel.

7. The present application is filed to relax condition (b) of the above conditions whereby the Sessions Judge directed that the sureties

must produce their original or certified copies of documents of title relating to the property for which the solvency certificates were furnished for verification by the learned Magistrate.

8. Petitioners herein are A1 to A3. They were arrested when they are transporting 84 kgs., of Ganja in White colour Hyundai Verna car, which is without registration. Since the Police could not file charge sheet, the petitioners moved a petition under Section 167(2)(a)(ii) of Cr.P.C. before the learned Sessions Judge and the learned Sessions Judge granted bail imposing the conditions extracted supra. In this type of the cases, condition (b) imposed by the learned Sessions Judge is not onerous and it is not an impossible one to comply. Since the accused belong to the State of Uttar Pradesh and they were enlarged on regular bail, such condition was imposed. If such condition is not imposed and if they jump on bail, it is impossible for the prosecution to get their presence either for further investigation or for conducting trial of the case. Hence, this Court finds no infirmity in the order passed by the learned Sessions Judge and is not inclined to relax the said condition (b).

Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications, pending if any, shall stand closed.

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**JUSTICE SUBBA REDDY SATTI**

**22<sup>nd</sup> June, 2022**

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