

(2025) 02 AP CK 0794

In the Andhra Pradesh High Court, Amaravati

Case No : Criminal Petition No: 1291 Of 2025

Vempatapu Venkatesh

APPELLANT

Vs

State Of Andhra Pradesh, Rep By Its Public Prosecutor, High
Court Of Andhra Pradesh

RESPONDENT

Date of Decision : 07-02-2025

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 451, 457, 482
Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 20

Citation : (2025) 02 AP CK 0794

Hon'ble Judges : B.V.L.N. Chakravarthi, J

Bench : Single Bench

Advocate : Gollapalli Maheswara Rao

Final Decision : Disposed Of

Judgement

B V L N Chakravarthi, J

1. This Criminal Petition is filed by the petitioner/3rd Party/Owner, under Section 482 of Cr.P.C., to modify the order dated 28.11.2024 passed in CrI.M.P.No.909 of 2024 in Cr.No.360 of 2024 on the file of the learned Metropolitan Sessions Judge-cum-I Additional District and Sessions Judge-Special Judge for Trial of offences under NDPS Act, Visakhapatnam.

2. Heard Sri G.Maheswara Rao, learned counsel for the petitioner.

3. Learned Additional Public Prosecutor representing the State takes notice for the respondent.

4. Learned counsel for the petitioner would submit that the petitioner is a third party to the Crime No.360 of 2024 of Pendurthi Police Station for the offence punishable under Section 20 of the NDPS Act alleging that the contraband was transported in a motor vehicle i.e., Mahindra Scorpio bearing Registration No.AP 31 CL 7786. It appears that police seized the impugned vehicle along with contraband and arrested some person. The petitioner being the registered owner

of the vehicle, filed application under Sections 451 and 457 of Cr.P.C. seeking interim custody of the vehicle seized by the police. The learned Special Judge allowed the application, but on condition of execution of a bond for Rs.15,00,000/- lakhs (Rupees fifteen lakhs) with one surety for like sum to the satisfaction of learned VII Additional Metropolitan Magistrate, Visakhapatnam, and the petitioner shall furnish Bank Guarantee for Rs.15,00,000/-.

5. The contention of the petitioner is that he is no way concerned with the offence, and that he hired the vehicle and that he did not know about the transport of the contraband in the vehicle. He would further submit that the impugned vehicle is a old vehicle, purchased in the year 2015. Therefore, imposing condition of executing a bond for Rs.15,00,000/- and to furnish bank guarantee for Rs.15,00,000/- is a onerous condition, which he did not comply. I

6. In the circumstances of the case, the learned counsel for the petitioner would submit that the petitioner is ready to furnish one surety for a sum of Rs.1,50,000/- (Rupees one lakh and fifty thousand), instead of Rs.15,00,000/-.

7. Considering the above facts and circumstances, this Court is of the considered opinion that the condition imposed by the learned Special Court, directing the petitioner to execute a bond for Rs.15,00,000/- and furnish bank guarantee for the said amount is a onerous condition, in the facts and circumstances of the case and it requires modification.

8. Accordingly, same is modified that the petitioner shall execute a bond for Rs.1,50,000/- (Rupees one lakh and fifty thousand) and to furnish one surety for like sum to the satisfaction of the learned VII Additional Metropolitan Magistrate, Visakhapatnam. Further, he need not furnish bank guarantee as ordered by the learned Special Judge. With that modification the criminal petition is allowed. The remaining order of the learned Special Judge remains in-tact.

9. Accordingly, the Criminal Petition is disposed of at the stage of admission with the above direction.

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