

IN THE COURT OF THE METROPOLITAN SESSIONS JUDGE-CUM-
SPL. JUDGE FOR TRIAL OF NDPS ACT CASES: AT VIJAYAWADA

PRESENT:- SRI V. SRINIVASA ANJANEYA MURTHY,

SPL. JUDGE FOR TRIAL OF NDPS ACT CASES - CUM -
METROPOLITAN SESSIONS JUDGE, VIJAYAWADA.

Friday, this the 16th day of December, 2022

CRL.M.P. No.1656/2022

IN

CrI.M.P.No.488/2022

IN

Cr.No.58/2022 of G.R.P. P.S.,

Between:

Joyroy @ Shagor, S/o. Rathun Roy,
Age 21 years, R/o. Govinda Nagar,
Downline, Madanpur Post, Chakdha P.S.,
Nadia District, West Bengal State.

....Petitioner/A.2

A N D

State: S.H.O.,
G.R.P. P.S., Vijayawada City.

.... Respondent.

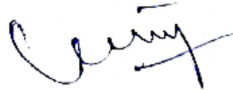
This application is coming on 16.12.2022 before me for hearing in the presence of **Sri D. Nageswara Rao**, Counsel for petitioner/A.2 and of **Sri T.R. Ashok Kumar**, Spl., Public Prosecutor for respondent, and upon hearing the arguments and upon considering the material available on record, and the application having stood over till this day for consideration, this Court delivered the following:-

ORDER

1. This petition is filed by the petitioner/A.2 U/sec.439(1)(b) Cr.P.C. to modify the bail conditions imposed while granting bail on 13.4.2022.
2. No counter was filed by the prosecution, but the learned Special Public Prosecutor vehemently opposed the petition.
3. Heard the learned Counsel for the petitioner and the learned Special P.P.,
4. Now the point for determination is :

Whether there are sufficient grounds to modify earlier bail order dt 13.04.2022 of this Court as prayed for?

5. **Point :-** This Court by order dated 13.04.2022 directed release of petitioner/A.2 on his executing a bond for Rs.50,000/- with two sureties each for like sum and also directed to furnish his residential address, copy of Aadhar Card and mobile phone details at the time of producing sureties and shall appear before S.H.O concerned on every 1st Sunday of the month for a period of three months between 10.00 AM to 5.00 Noon and shall not indulge in



similar activity and shall cooperate with the police in further investigation of the case if any and shall appear before the Court during the trial without fail.

6. The petitioner now filed this petition stating that he belongs to very poor family and having aged parents and not in a position to produce two sureties each for Rs.50,000/- as directed by this Court and and they completely depending upon his earnings and requested this Court to modify the said Order and release him for Rs.10,000/- with single surety.

7. The petitioner is in Judicial Custody since 02.03.2022 and though bail was granted to him on 13.04.2022, he is unable to produce two sureties for Rs.50,000/- each as directed by this Court and as such he is continuing in Judicial Custody.

8. The petitioner/A.2 was remanded to judicial custody for the alleged offences U/Sec. 8(C) r/w 20(b)(ii)(B) of NDPS Act on 02.03.2022 and since then he has been in judicial custody as he is unable to produce sureties due to his poverty. Considering the circumstances, I am of opinion that the petitioner/A.2 can be permitted to produce two Sureties for Rs.10,000/- instead of Rs.50,000/- and to that extent the earlier bail order dated 13.04.2022 can be modified. Accordingly, the point is answered.

9. In the result, petition is allowed. The bail order dated 13.4.2022 is modified. The petitioner/A.2 shall be released on bail on his executing a bond for Rs.10,000/- with two sureties each for like sum to the satisfaction of VII Addl. Metropolitan Magistrate for Railways, Vijayawada. The other conditions Nos.2 to 5 in the order dated 13.04.2022 in CrI.M.P. No.448/2022 shall continue.

Dictated to the Typist of this Court, transcribed by him, corrected and pronounced by me in open Court, on this the 16th day of December, 2022.

[Signature] 16/12/2022

SPL. JUDGE FOR TRIAL OF NDPS ACT CASES
- CUM - METROPOLITAN SESSIONS JUDGE,
VIJAYAWADA.

Copy to

1. The learned VII Addl. Metropolitan Magistrate For Railways, Vijayawada.
2. The learned Advocate for petitioner.
3. The learned Spl. Public Prosecutor.
4. The S.H.O., G.R.P. P.S., Vijayawada.

Do's. no. 2544
16/12/22