

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46185 of 2023

Applicant :- Abhay Kumar

Opposite Party :- State Of U.P.And Another

Counsel for Applicant :- Ajay Kumar Srivastava

Counsel for Opposite Party :- G.A., Ashish Pandey

Hon'ble Pankaj Bhatia,J.

1. Heard the counsel for the applicant and Sri Ashish Pandey the counsel for the respondents NCB.
2. The applicant seeks bail in case crime no.09 of 2020 under sections 8C, 17C, 18, 19 NDPS Act, P.S. Narcotics Control Bureau (NCB) Lucknow District Lucknow.
3. The counsel for the applicant argues that the applicant is in custody since 19.03.2020 and only one of the five witnesses proposed to be examined has been examined so far. In short he argues that the right of speedy trial of the applicant is getting adversely affected and the applicant cannot continue indefinitely in custody.
4. The counsel for the respondents on the other hand draws my attention to the order dated 16.05.2022 passed in Bail No.3486 of 2022, wherein this court on an application filed by the co-accused had directed the trial to be completed within a period of two years.
5. In the present case also, the counsel for the respondents argues that they shall endeavour to adduce the evidence of the other witnesses proposed to be relied upon within a period of three months from today.
6. In view of the said statement, the present petition is disposed off directing the trial court to record the statement of the prosecution witnesses other than the witnesses who has already been examined and endeavour shall be made to conclude the trial within the time granted by this Court while deciding the bail application no.3486 of 2022 in its order dated 16.05.2022.
7. In case the statement of the other four witnesses are not examined within a period of three months, the applicant would be at liberty to approach this court by filing a fresh application.
8. With the said observations, the bail application stands ***disposed off***.

Order Date :- 7.11.2023

VNP/-