

**IN THE HIGH COURT OF BOMBAY AT GOA**

**CRIMINAL APPLICATION ( BAIL ) NO. 164 OF 2015**

MR.CRISTO J. JOSEPH VAZ, PRESENTLY  
LODGED AT SUB JAIL AT MAPUSA, THR.  
SMT. KRISTPRAKASHINI R. J.,

... Applicant

Versus

UNION OF INDIA, REPRESENTED BY  
OFFICERS IN CHARGE, NARCOTICS  
CONTROL BUREAU AND ANR.,

... Respondents

Mr. Arjun F. Naik, Advocate for the Applicant.  
Mr. S. R. Rivankar, Public Prosecutor for Respondent

Coram:- C. V. BHADANG, J.

Date:- 5th August, 2015

P.C.:

Heard Mr. Naik, the learned counsel for the applicant and Mr. Rivankar, the learned Public Prosecutor for the respondents.

2. The applicant is facing prosecution for the offence punishable under section 22 (c) and Section 29 of the NDPS Act. It is submitted by the learned counsel for the applicant that the main accused has been left out and the applicant has been prosecuted on a false charge.

3. It is submitted by the learned Public Prosecutor that the trial has already proceeded and out of twenty witnesses, five witnesses have already been examined.

4. The learned Special Judge has rejected the application for bail by the order dated 10/04/2014, which was before the commencement of the trial. One of the grounds for rejection is that, as the law stands today, the statement under section 67 of the NDPS Act made by the accused in the custody of the NCB Officer, is admissible in evidence and not hit by section 25 of the Indian evidence Act.

5. Be that as it may having regard to the fact that the trial has already proceeded and is part heard, this Court is not inclined to exercise discretion. Consequently, the application stands rejected. The Special Judge shall proceed with the trial as expeditiously as possible and an endeavour shall be made to decide the same finally, within six months from today.

6. The criminal application is disposed of accordingly.

C. V. BHADANG, J.

ap/-