

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.835 OF 2015

IN

CRIMINAL APPEAL NO.1282 OF 2013

WITH

CRIMINAL APPLICATION NO.836 OF 2015

IN

CRIMINAL APPEAL NO.1282 OF 2013

Abdulla Ahmed Arancada Mutalib .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr. Anil G. Lalla with Ms.Beerta Bajwa, Advocate for the applicant.

Mrs.A.A.Mane for Union of India/DRI.

Mr.Deepak Thakre, APP for the State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 1st SEPTEMBER, 2015

P.C. :

1 Heard Mr.Lalla, learned counsel for the applicant. Mr.Lalla submits that the applicant is in custody for a period of more than 8 years, and that in the ordinary course, the Appeal is not likely to be taken up for final hearing within a short time. He, therefore, submits that considering this, and the fact that the applicant is not keeping good health, he be released on bail during the pendency of the Appeal.

2 Since the conviction of the applicant is in respect of the offence punishable under the NDPS Act, involving commercial quantity, the applicant will have to make out a case overcoming the bar prescribed under section 37 of the NDPS Act. This will consume some time in hearing of the application for suspension of sentence and bail. The applicant has alternatively prayed for an expeditious hearing of the Appeal

3 Mr.Lalla fairly concedes that the applicant had at one point of time, absconded from custody, and was re-arrested.

4 In view of this, I am not inclined to consider the prayer for suspension of sentence imposed on the applicant, and his release on bail. However, it appears just and proper to direct that the Appeal shall be expeditiously heard.

4 The Appeal be listed, peremptorily, for final hearing, on 8th September 2015.

5 In view of this, the Applications are disposed of.

6 A copy of this order be furnished to the applicant in prison. The prison authorities shall serve the same upon the applicant, and report compliance to this Court.

(ABHAY M. THIPSAY,J)