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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 417 OF 2016

Naseembanu Gani Shaikh

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Taraq Sayed i/b Sartaj Shaikh for Applicant.

Ms. S.S. Kaushik, APP for State.

Mr. Mahesh E. Mane, PSI, Crime Branch, Navi Mumbai present.

CORAM: A.S. GADKARI, J.

DATE : 29th September 2016.

P.C.

1 This is an application under Section 439 of Cr. P.C. for bail in CR No.II-28 of 29015 registered with MIDC, Turbhe, Navi Mumbai dated 6.6.2015 under Section 8(c), 20, 22 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act).

2 The learned counsel for the applicant contended that there is a clear violation of Section 50 of the NDPS Act. That even there is breach of Section 50(4) of NDPS Act as the search is conducted by the male

panchwitNESS instead of female panchwitnesses which is mandatory in law.

3 The learned APP submitted that there are antecedents at the discredit of the applicant as there are three cases pending against the applicant of similar nature. The learned counsel for the applicant submitted that the prosecution has cited seven witnesses in support of its case, however, if the applicant succeeds in demolishing the prosecution case on the ground of violation of Section 50 of the NDPS Act, the case will be completed and trial will be concluded at the most within two months.

4 In view of the same the learned Special Judge seized of trial pertaining to CR No.II-28 of 29015 registered with MIDC, Turbhe, Navi Mumbai now culminated into NDPS Special Case No.53 of 2015 is hereby requested to conclude the trial of the said case within four months from today.

5 The Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)