

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (MAIN) NO. 45 OF 2018

STATE, THR. ITS POLICE
INSPECTOR/INVESTIGATION OFFICER,
ANC POLICE STATION, PANAJI., ... Applicant

Versus

HONGJAE YOO @ JAI BABA, PRESENTLY
LODGED AT MODERN JAIL, COLVALE., ... Respondent

Shri S. R. Rivankar, Public Prosecutor for the applicant.
Shri Shailesh Redkar, Advocate under Legal Aid Scheme for the
respondent.

Coram:- C. V. BHADANG, J.

Date:- 14th March 2018

P.C.

This is an application for cancellation of bail.

2. The respondent is being prosecuted before the learned Additional Sessions Judge at Mapusa in Special Criminal Case (NDPS/STATE) No.17/2017, for the offences punishable under Sections 21(C), 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act, for short), for having found in possession of 14 Grams of MDMA, 260 grams of Ephedrine and 47 grams of Ganja. The learned Sessions Judge, by an order dated 16/10/2017, has granted bail to the respondent, inter alia, on the ground that the substance found in the report of the Chemical Analyser is not listed at Serial No.134 of the table annexed to the Act. The prosecution has now

produced a report dated 16/10/2017 from the CFSL, Hyderabad, in order to show that the substance found and which is described as N-Methy1-3,4-methylenedioxyamphetamine is commonly known as MDMA. CFSL has clarified that the substance found was indeed MDMA. Admittedly, the said report was not produced before the learned Sessions Judge when the bail came to be granted.

3. Shri Rivankar, the learned Public Prosecutor, therefore, submits that the State shall file an application before the learned Sessions Judge for cancellation of bail, based on the report dated 16/10/2017 and learned the Sessions Judge can decide the application on its own merits and in accordance with law. Shri Redkar, the learned Counsel for the respondent has no objection for such a course being followed.

4. In such circumstances, the present application is disposed of, with liberty to the applicant/ State to file an application for cancellation of bail before the learned Sessions Judge, based on the report dated 16/10/2017. If such an application is filed, the learned Sessions Judge shall decide the same on its own merits and in accordance with law.

C. V. BHADANG, J.