

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3295 OF 2005

M.V. HenryApplicant
Vs.
Ravi Prakash Goel & Anr.Respondents.

Ms. Yasmin N. Katpitia for NCB.
Smt. Rutuja Ambekar, APP for the Respondent-State.
Mr. Prem Keshwani for Respondent No.1.

CORAM : A. S. GADKARI, J.

DATE : 29th JUNE, 2018.

P.C.:-

This is an Application for cancellation of bail of Respondent No.1.

2 The Respondent No.1 was directed to be released on bail by the learned Special Judge (N.D.P.S.), Greater Mumbai by its order dated 4th April, 2005, predominantly on the ground that the Psychotropic Substance Buprenorphine contained in Norphazine injections mentioned in the scheduled of the NDPS Act and which was found in the possession of the co-accused was below the commercial quantity and therefore, the provisions of Section 37 of the NDPS Act were not attracted to the said crime.

The said Order passed by the Trial Court was upheld by

this Court by its order dated 30th January 2016 passed in Criminal Application No. 3295 of 2005.

By a Judgment and Order dated 12th August 2014, in the case of Union Of India & Anr. Vs. Sanjeev V. Deshpande [2014 ALL MR (Cri.) 3713 (S.C.)] the Hon'ble the Supreme Court, after deciding the legal issues involved in the said Appeals, was pleased to remand all the matters back to the concerned High Courts for passing appropriate orders in the light of the observations made by the Hon'ble Supreme Court in that behalf.

3 After perusing the record, this Court is of the view that, the Applicant manufactured the said Norphazine injections under a valid license and the co-accused when found in the possession of the said injections was having a quantity which was below the commercial quantity. It was informed to this Court that, since the date of his release from jail, the Applicant has not committed breach of any of the conditions imposed upon him by the Trial Court. This Court, therefore, was not inclined to interfere with the Order passed by the Trial Court dated 4th April, 2005, as such a belated stage.

4 Upon a query put to the learned Special P.P. regarding the status of the NDPS Special Case No. 39 of 2005, she on instructions,

from the concerned officer submitted that, charge in the present case has been framed in January 2017 and the Trial Court has now scheduled the case for hearing (recording of evidence) in the month of July 2018. She further, on instructions, submitted that the Investigating Agency may examine approximately 12 to 13 witnesses in support of its case and the trial may be concluded in a year from today.

5 In view of the statement made by the learned special PP and without further dwelling into the merits of the present Application, this Court is of the considered view that, the Trial Court can be directed to expedite the trial of NDPS 39 of 2005 and to make an endeavour to conclude the same on or before 30th June, 2019.

6 Application is disposed off in the aforesaid terms.

(A.S. GADKARI, J.)