

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 3159 OF 2018

ORDER:

This petition is filed, under Sections 437 and 439 of the Code of Criminal Procedure, 1973, for grant of bail to the petitioners-accused Nos. 2 and 4 in N.S.C.No. 621 of 2017 on the file of the Court of Metropolitan Sessions Judge, Visakhapatnam (for short, 'the Court below'), registered for the offences punishable under Sections 20 (b) (i) (2) (C) and 25 read with Section 8 (c) of NDPS Act, 1985.

2. Heard learned counsel for the petitioners and learned Public Prosecutor (A.P.).

3. Learned counsel for the petitioners submits that petitioner No. 1 is suffering from HIV positive and also produced a certificate issued by National AIDS Control Organization to establish the same and that the petitioners have been languishing in jail since 15-09-2017.

4. As seen from the material on record, petitioner No. 1 is suffering from HIV. HIV is a contagious disease which can be caught by blood transfusion and sexual intercourse *etc.*, and not by touching people or things that are infected with it. However, it is difficult for petitioner No. 1 to survive without expert treatment in jail where the authorities may not provide the same.

5. Taking into consideration the facts and circumstances of the case, the Court below is directed to dispose of N.S.C.No. 621 of 2017 pending on its file as expeditiously as possible and in any event not later than two months from today.

6. Subject to the above direction, the criminal petition is dismissed. Pending miscellaneous petitions if any shall stand dismissed in consequence.

M.SATYANARAYANA MURTHY, J.

16-04-2018.
JSK

