

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.6603 of 2018

ORDER :

The petitioner-A.2 among the three accused of NCB F.No. 48/ 1/ 3/ 2016/ NCB/ SUB ZONE/ HYD(on the file of the NCB), registered for the offences punishable under Sections 22©, 25,27-A,28,29 & 32-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), and Section 464 IPC, now seeking regular bail. The petitioner is in judicial custody since 02.10.2017. The investigating agency, the NCB through its Intelligence Officer filed the final report and the learned Special Judge taken cognizance and allotted the Sessions Case No.96 of 2017.

Heard the learned counsel for the petitioner and the learned Special Public Prosecutor representing the respondent-Investigating Agency and perused the material on record.

A perusal of the material on record no way discloses non-application of the limitations in Section 37 of the Act, for not able to show the twin conditions of reasonable grounds to believe that the accused is not likely to be convicted and he is not likely to commit any offence while on bail, which are the conditions cumulative and needless to say, not alternative. Even on the fact that the petitioner-A.2 was given concession of grant of bail, regarding the cell tower movements, may not be equally applicable to the A.2 herein. Further the petitioner is in judicial custody since long time is not even a ground but for to say that the petitioner is entitled to expeditious trial as per the directions of the Apex Court in *Thana Singh v. Central Bureau of Narcotics*¹ by the trial Court without prejudice to the defence.

¹ 2013(2) DCR CrI. 280 (SC)

Hence, the Criminal Petition is disposed of rather than dismissal by directing the trial Judge to conduct and complete trial within six months.

Consequently, miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Date:03.07.2018
Vvr

Dr. B. SIVA SANKARA RAO, J

