

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.24726 of 2017

ORDER:

This petition is filed seeking for grant of anticipatory bail to the petitioner, who is A5, in Crime No.2 of 2017 on the file of Donkarai Police Station. The offences alleged are under Sections 8(c) r/w 20-b (II) (c) of NDPS Act.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the respondent.

3. The counsel for the petitioner submits that during the course of hearing the earlier bail application filed by this petitioner, it was submitted to the court that the trial was almost completed; that it was only waiting for the examination of the investigating officer, and that, in fact, the case has not come up for trial.

4. The Public Prosecutor, after verifying the said fact, reports to the court that the trial has not yet commenced. But, since the case involves commercial quantity of Ganja, in view of the provisions of Section 37 of the Act, bail cannot be granted to the petitioner unless it appears that the petitioner would not be found guilty or that he would not jump on bail.

5. Hence, in view of the above, the Criminal Petition is dismissed. However, considering the submissions of the petitioner's counsel, the court below is directed to expedite the

trial of the matter and complete the same within three months from the date of communication of a copy of this order.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

January 22, 2018
LMV

T. RAJANI, J

