

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.2328 OF 2019

ORDER:

This Criminal Petition, under Sections 437 and 439 Cr.P.C., is filed by the petitioner/A.1, for grant of bail in S.C.No.97 of 2017 on the file of the Metropolitan Sessions Judge, Cyberabad-cum-I Additional Sessions Judge, Ranga Reddy District, L.B.Nagar at Hyderabad (arising out of NCB.F.No.48/1/1/2017/HYD/SUB-ZONE), registered for the offences punishable under Sections 8(c) read with 22 (c), 28, 29 and 31 of the Narcotic Drugs and Psychotropic substances Act, 1985 (for short 'NDPS Act').

2. Heard the learned counsel for the petitioner/A.1, Sri V.Gopalakrishna Gokhale, learned Special Public Prosecutor for Narcotics Control Bureau, appearing for the respondent/State and perused the record.

3. Admittedly, the petitioner earlier filed applications for granting bail and the same were rejected by this Court. In the last application, this Court, vide common order, dated 22-02-2019, in CrI.P.Nos.313 and 478 of 2019, while rejecting the applications, gave certain directions to the prosecution to proceed with the trial strictly in compliance with the provisions of Section 309 Cr.P.C.

4. In the present application, it is only the contention of the petitioner that in spite of the directions of this Court in the order dated 22-02-2019,

only one witness was examined on 02-04-2019 and the matter was again posted to 24-04-2019 and there is no possibility of concluding the trial in the near future. It is also submitted that the petitioner/accused is in custody for more than two years. Therefore, since there is no progress in the case and the petitioner is in jail for a long period due to the delay in trial, he may be enlarged on bail.

5. Per contra, learned Special Public Prosecutor appearing for the State/respondent contends that the non examination of prosecution witnesses is not a ground for releasing the accused on bail. The petitioner is also involved in two similar type of cases. He further contends that there is no provision to grant bail for the offences under the NDPS Act amongst other conditions under the said Act as the seized contraband is a commercial quantity.

6. He further contends that there are no reasonable grounds in this case to come to the conclusion that the petitioner is not guilty of the offence committed by him to get the relief of enlargement on bail, inasmuch as the alleged contraband is a commercial quantity. He also contends that as his earlier bail applications were dismissed by this Court, this application is also liable to be dismissed on similar grounds.

7. Considering the rival contentions made by both the parties, I am of the opinion that the earlier bail applications filed by the petitioner were dismissed by this Court in different orders. There are no fresh grounds to entertain the present bail application. Hence, the petitioner cannot be granted bail.

8. Learned Special Public Prosecutor appearing for the State/respondent submits that keeping in view of his ill-health, a direction may be given to the trial Court to commence the trial strictly from 1st August, 2019 and the same may be concluded by the end of November, 2019.

9. Accordingly, the Criminal Petition is dismissed. However, the trial Court, in compliance of the directions of the earlier order dated 22-02-2019 in CrI.P.Nos.313 and 478 of 2019, is directed to conclude the trial and dispose of the case within a period of six months, positively by the end of November, 2019.

Date: 06.06.2019
kvr

JUSTICE G. SRI DEVI

