

\$~15

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 1498/2020**

MERRYL ANNE CARTER

..... Petitioner

Through: Mr Mayank Mikhal Mukherjee,
Advocate.

versus

NARCOTICS CONTROL BUREAU

..... Respondent

Through: Mr Subhash Bansal, Sr. Standing
Counsel with Mr Raghav Bansal,
Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

21.09.2020

[Hearing held through video conferencing]

CRL. M.A. 13003/2020

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1498/2020

2. Issue notice. Mr Bansal, learned counsel appearing for the respondent accepts notice.

3. The petitioner has filed the present petition, *inter alia*, praying that he be released on a Personal Bond. The petitioner also prays that directions be issued to the Narcotics Control Bureau (NCB) to file an appeal in a time bound manner in case it wants to file an appeal.

4. The petitioner claims that she is aged about sixty three years and is

Signature Not Verified

Signed By: DUSHYANT
RAWAL
Location:
Signing Date: 22.09.2020
00:49:57

currently confined in Central Jail No.6, Tihar. She has been in custody for approximately three years and two months.

5. The petitioner had travelled to India sometime in July, 2017 as a tourist. She states that her luggage was misplaced and did not fetch up. She went to the airport to collect her luggage on 07.07.2017 where she was apprehended by the officials of NCB.

6. NCB alleged that 3.8 kg. of cocaine was recovered from her bags.

7. The petitioner was charged and tried for committing an offence punishable under Section 21(c) of the Narcotic Drug Psychotropic Substances Act, 1985. The petitioner was acquitted of the alleged offences by a judgment dated 16.06.2020 passed by the learned trial court. The petitioner was directed to be released on her furnishing a Personal Bond in the sum of ₹50,000/- with one surety of the like amounts under Section 437-A of the Cr.PC.

8. The petitioner claims that she is a foreign national and does not know anybody in the country, who can stand as a surety for her. She further states that the problem has been compounded due to the prevalent pandemic. The petitioner has been unable to furnish surety and has been unable to secure her release from the custody.

9. In view of the averments made in the present petition, the same is allowed. The petitioner is directed to be released on her furnishing a Personal Bond in the sum of ₹50,000/- without the requirement of any surety. However, this would be subject to the condition that the petitioner provides her contact number to the Superintendent of NCB, Delhi Zonal Unit and ensures that she is reachable on it at all times. The petitioner shall

also provide her address and shall not leave the country without prior information to the concerned Superintendent, NCB, Delhi Zonal Unit.

10. Although, the petitioner was acquitted by a judgment dated 16.06.2020 and more than three months have since elapsed, NCB has not preferred any appeal as yet. Mr Bansal, learned counsel appearing for the NCB states that the NCB is in the process of filing an appeal and the same shall be filed within a period of four weeks from today.

11. In view of the above, no further orders directing the NCB to file an appeal in a time bound manner are required.

12. It is clarified that the petitioner shall inform the concerned Superintendent prior to departure from the country will not be applicable after 15.12.2020.

13. A copy of this order be communicated to the concerned jail authorities electronically.

VIBHU BAKHRU, J

SEPTEMBER 21, 2020
MK