

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.2478 OF 2021

Sanjay Champaklal Jain	 Petitioner
versus	
Narcotics Control Bureau	
Mumbai Zonal Unit & Ors.	 Respondents

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- Mr.Tanveer Khan, Advocate for Petitioner.
- Mrs.A. S. Pai, PP for State/Respondent.

**CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, JJ.**

DATE : 9 DECEMBER 2021

P.C. :

. Heard learned counsel for the Petitioner and the learned APP.

2. This is a Petition through jail. The Petitioner is convicted for the offence punishable under section Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

3. The High Power Committee constituted under the order of the Supreme Court to decide the classification and eligibility of the prisoners to be released on emergency Covid-19 parole.

4. The Committee submitted report and recommended that those who are convicted under crimes such as NDPS Act are not entitled to be released on emergency parole. The Petitioner has

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challenged the guidelines framed by the Respondent No.2 on the recommendation of the Respondent No.3 committee.

5. Categorization and classification made by the the High Power Committee, adopted by the State of Maharashtra, was challenged before this Court in a group of Petitions and the challenge was negatived. The Supreme Court disposed of the Petitions challenging the order passed by this Court and approved the recommendation of the High Power Committee. Therefore the challenge of the Petitioner already being considered cannot be considered.

6. Further more, the State of Maharashtra has amended and inserted the Maharashtra Prisons (Mumbai Furlough and Parole) Rules 1959 by Amendment Rules, 2020, Rule 19(1)(C)(ii) under the offences under the NDPS Act are specifically excluded from the purview of grant of emergency Covid-19 parole.

7. In light of this position, the relief prayed for by the Petitioner cannot be considered.

8. The Writ Petition is accordingly rejected.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)