

Crl.OP.No.3813 of 2021

N.SESHASAYEE.J.,

The present petition is filed seeking to enlarge the petitioner on bail, for the offences punishable under Sections 8(c) r/w.20(b)(ii)(B), 27A, 28 & 29 of NDPS Act, in R.R.No.04/2019 on the file of the respondent. The petitioner is remanded to judicial custody and now, the case is pending in C.C.No.146/2019 on the file of the Principle NDPS Court.

2. Earlier, the petitioner has moved an application for bail in Crl.OP.No.33047 of 2019 and the same was dismissed Vide order of the Court dated 10.01.2020.

3. In this case, the facts that have been culled out in that application has now been replaced. The petitioner is arrayed as A3. The case of the prosecution is that based on a intelligence tip of, on 03.04.2019, one Warren Craig Ghani and one Anand were intercepted and were found in possession of Hashish Oil. In the course of interrogation, the investigating agency has reached the house of the present petitioner and on search, they came across 420 grams of Hashish oil, which came to be seized as per the Magazar. Following which, she was enquired and was arrested.

4. The learned Public Prosecutor informs that Court that an another application in Crl.OP.No.7454 was filed by the petitioner and that came to be dismissed by this Court. Subsequently, the same petitioner has moved the concerned NDPS Court with an application in Crl.MP.No.1622 of 2021 and that came to be dismissed. However, the learned Public Prosecutor

added that during the pendency of this application, the petitioner has moved the NDPS Court for bail.

5. The learned counsel for the petitioner submitted that the petitioner is a woman, and she is languishing in jail for trial for more than 2 ½ year.

6. Heard both sides. At any rate, today there is no petition pending before the NDPS Court and since the petition was not listed, and that the petitioner is anxious, the Court does not want to stand on the procedural technicalities to entertain the petition. Turning to the merit of the case, the learned Public Prosecutor informs the Court that the trial of the case has commenced and P.W.1 was examined. He added that the prosecution has to examine another 7 witnesses.

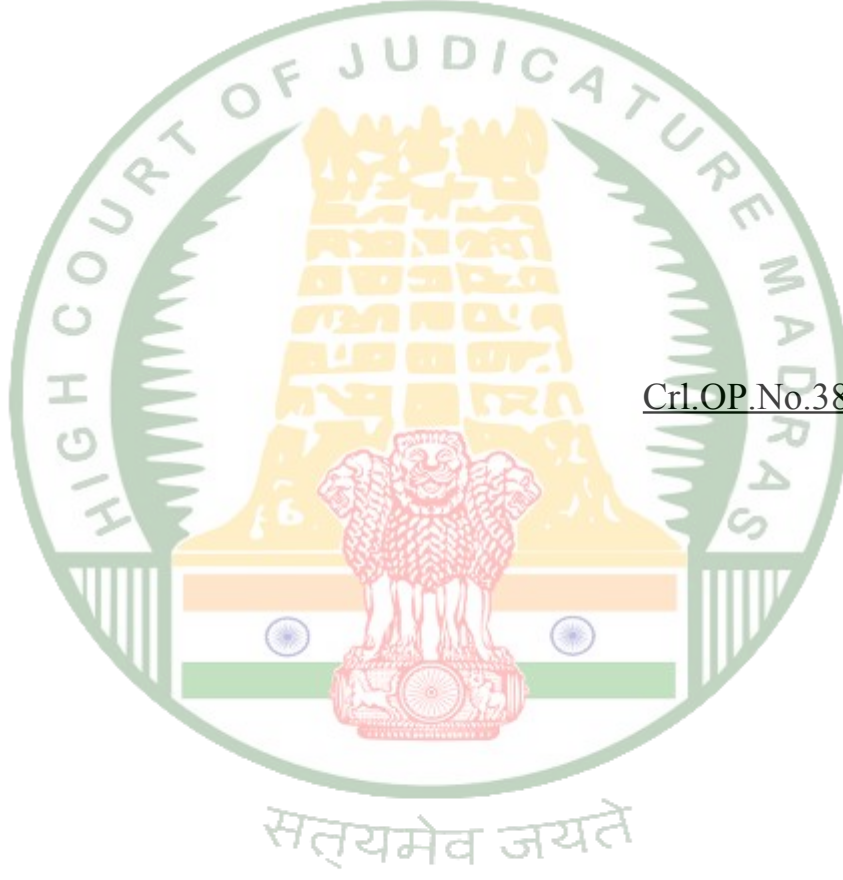
7. Given the nature of the case and since the trial has already been commenced, this Court considers that at this stage, it is not appropriate to release the petitioner on bail and hence, this petition is dismissed. However, taking into consideration the overall circumstances of the case, this Court directs the learned Judge of the Principle Court for NDPS cases to dispose of the case in C.S.No.146 of 2019 within a period of three months from today.

26.08.2021

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