

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.877 OF 2022

Abdul Hannan Rizwani	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr. Khushal Parmar a/w Sarvesh Tiwari, for the Applicant.
Ms.Veera Shinde, APP for the State.
ASI Lushte, ANC Bandra present.

CORAM : BHARATI DANGRE, J

DATE : 30th SEPTEMBER, 2022.

P.C.

- 1] The learned counsel for the Applicant is perfectly justified in submitting that he is incarcerated since 20.09.2017, on being accused of the offence under Section 8(c) and 22(c) of the NDPS Act.
- 2] The learned APP on instructions states that the trial has already commenced before the Sessions Court, Mumbai and the first witness is in the box and total 8 witnesses are to be examined.
- 3] The learned counsel for the Applicant has placed before me the roznama of the Sessions Case No.42/2018 which depict that the witness appeared before the Court for the first time after 5 years and from last two months, nothing effective has transpired. On every occasion, matter is adjourned on one count or the other.

4] Considering the fact that the Applicant is incarcerated for more than 5 years and the trial will not conclude in near future, I deem it appropriate to allow the application in the wake of his long incarceration.

5] However, it is also necessary to direct that some effective steps shall be taken by the concerned Court to continue the trial on day to day basis and let the trial be concluded within a period of 6 weeks from today. The order shall be communicated to the concerned Trial Court.

Hence, the following order :

ORDER

- (a) Application is allowed.
- (b) Applicant – Abdul Hannan Rizwani shall be released on bail in connection with C.R.No.54 of 2017 registered with Anti narcotic Cell, Bandra Unit, on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall report to the concerned Police Station as and when called for.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (e) The Applicant shall regularly attend trial, on every date, unless exempted.

[BHARATI DANGRE, J]