

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2290 OF 2022

Peter Fernandes & Anr. .. Applicants

Versus

N.C.B. & Anr. .. Respondents

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Mr.Taraq Sayed with Mr.Advait Tamhankar, Ms.Ashwini Achari and Mr.Lochan Chandka for the Applicants.

Mr.Shreeram Shirsat with Mr.Amandeep Singh Sra, Ms.Nishi Singhvi, Mr.Madhur Satkar, Mr.Shekhar Mane and Mr.Anna Oommen for the Respondent/NCB.

Mr.Atul Sarpande., S.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 29th SEPTEMBER, 2022

P.C:-

1. Learned counsel Mr.Shreeram Shirsat, appearing for the NCB, on instructions of the Special Public Prosecutor Mr.Atul Sarpande, who is representing the prosecution in NDPS Special Case No.77 of 2017, makes a categorical statement about the progress of the trial, which is to the following effect :-

(a) The prosecution has already examined the three witnesses;

(b) P.W.1, a panch witness has turned hostile and his cross-examination is on the way and he shall be examined on the next date;

(c) Three more witnesses are to be examined of whom, one is the panch witness and his whereabouts are not traceable and the prosecution intends to file report in this regard.

The second witness is the Investigating Officer, who is not in the service of NCB and he can be traced out, either in Lucknow or Mathura.

The third witness is a Chemical Analyser.

2. Considering the number of witnesses to be examined and three persons to be tried in the special case, trial itself can be concluded within a period of three months.

3. Let the Special Court also be alive of the situation that the applicant came to be arrested on 06/03/2017 and he deserves a speedy trial atleast at this stage, when down the line five years, he remained incarcerated.

3. It is made clear that the prosecution will now examine only these three witnesses and if the Investigating Officer is not able to attend the trial on the given date, his evidence can be recorded through video conferencing. Same methodology can be adopted in respect of witness No.3, who is a Chemical Analyser.

The examination of the above witnesses shall be completed within a period of one month from today. The statements of the accused under Section 313 of Cr.P.C. shall be recorded within 15 days thereafter and immediately the matter shall be posted for arguments.

In any case, the judgment shall be delivered on or before 31/12/2022.

4. With the aforesaid direction, the application stands disposed off.

(SMT. BHARATI DANGRE, J.)