

PMB

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

BAIL APPLICATION NO.3108 OF 2022

SUDHA AVADHSHARAN TIWARI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Aditya Singh i/b. Lalla and Lalla Advocates for applicant.
Ms. A. A. Takalkar, APP for State.
Mr. Gokul Bhoi, API, Khar Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 30, 2022.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail in respect of an offence punishable under sections 8(c), 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter "NDPS Act", for short). The applicant was allegedly found in possession of 2.518 kgs of Charas. The FIR is dated 22/05/2019. It is contended by learned counsel that the applicant is a lady and is in custody for more than 3½ years. While in custody the applicant delivered a child.

Further, it is submitted that there is no compliance with Section 50 being the mandatory condition of NDPS Act. Learned counsel submitted that the trial will take a long time to conclude.

3. Learned APP pointed out that the trial has commenced and two witnesses are already been examined. The third witness is likely to be examined soon. Learned APP submitted that there only 5 to 6 witnesses are to be examined and the trial is proceeding.

4. My attention is invited to page 90 of the paper book where it is reflected that the applicant was asked whether she would like to be searched before the gazetted officer or the Magistrate. There is an endorsement on such a report by the applicant that she has no objection to be searched by the officers. Learned counsel for the applicant submits that she may not have understood the contents in the said report. It is not possible for me to consider the submissions at this stage as there is a report on record indicating that she was informed of her right to be searched before the gazetted officer or the Magistrate. However, considering

that the trial has commenced and the witnesses have been examined, further that only 5 to 6 witnesses are being examined, this is a fit case where the trial Court can be requested to expedite the trial. The trial Court is requested to expedite the trial and conclude the same as far as possible within a period of three months from today.

5. Bail Application is disposed of.

(M. S. KARNIK, J.)