

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

BAIL APPLICATION NO. 2250 OF 2023

Ogodo Immanuel Uchechukwu ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Taraq Sayed i/by Mr. Advait Tamhankar - Advocate for the Applicant

Mr. S. R. Agarkar - APP for the Respondent-State

PSI Krishna Late - Vashi Police Station, Navi Mumbai

CORAM : S. M. MODAK, J.

DATE : 18th DECEMBER, 2023

P. C. :-

1. Heard learned Advocate Shri Sayed for the Applicant and learned APP.
2. It is true that the bail application of this Applicant came to be rejected as per Order dated 21/06/2023, while passing that Order, following liberty was granted as follows:-

“Liberty is granted to the Applicant to move again for fresh bail before the trial Court only if the trial does not start within two years from today.”

3. The contention is two years period will be over in June 2025 and considering the young age of the Applicant, there is a

prayer to modify the Order. It is contended that in fact it is case for acquittal and even the provisions of Section 52-A of the Narcotic Drugs and Psychotropic Substances Act are not complied with. The applicant is behind bar since 11/01/2021.

4. It is contended that there is only one Judge dealing with NDPS cases and even he looks after civil work. It is true that in one other matter report was called from the same Court as how much pendency of the NDPS cases is there. He has reported that there are 222 NDPS cases pending with him.

5. In view of that certainly some modification is required. At the same time, I think this scenario needs to be brought to the notice of learned Principal District Judge, Thane, so that he can reallocate the work if it can be done.

6. In view of that following order :-

ORDER

(i) Let trial court to expedite hearing and final disposal of this case.

(ii) Let the trial court to frame the charge within six months from today.

(iii) If charge is framed, the trial be finished within six months from the date of framing of the

charge.

(iv) If the accused will delay conduct for the trial that period will be excluded.

(v) Let learned Principal District Judge, Thane to do the needful as follows:-

a) To ascertain the distribution of the NDPS cases amongst other Judges, if situation permits.

b) Issue necessary instructions to the Judge dealing with NDPS cases to give more and more time to NDPS Cases and if permissible withdraw the other work from him.

7. Accordingly, Bail application is disposed of.

[S. M. MODAK, J.]