



Meena

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.70 OF 2022

UNION OF INDIA, NARCOTICS CONTROL
BUREAU, THR. INTELLIGENCE OFFICER,
D.S. RAJPUT

... PETITIONER

Versus

ELEANORA ELIZABETH CONNIE DCOSTA

... RESPONDENT

Mr. Purushottam Karpe, Special Public Prosecutor for the Petitioner.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 16th July, 2024

P.C.:

1. Heard Mr. P. Karpe, learned Special Public Prosecutor for the Petitioner.
2. The present petition is filed challenging the impugned order dated 15/01/2022 by which bail was granted to the Respondent on two counts. Firstly, there was no CFSL report produced along with the chargesheet or along with the case paper to show that the contraband recovered allegedly at the instance of the Accused was a narcotic drug/substance. Secondly, the learned trial Court observed that the arrest of the Respondent was beyond the sunset i.e. at around 7.30pm and she being a lady it was not permissible.

3. Mr. Karpe now submits that the investigating agency received the report from the CFSL, Pune confirming that the contraband found with the Respondent contains MDMA and that too in a commercial quantity.

4. Mr. Karpe would submit that though Panchanama was conducted on 31/12/2021 from 19.00 hours, the actual arrest of the Respondent was at 07.45 hours on 01/01/2022.

5. Finding in the impugned order would go to show that first of all bail was granted since there was no report from the Chemical Analyser and secondly there is a violation of Section 46 of CrPC.

6. Since now the report received which is dated 29/04/2022 shows that contraband contains MDMA and Cocaine along with other substances, the Petitioner could have approached the concerned Court with such report for cancellation of bail.

7. As far as the violation of Section 46 is concerned, liberty is granted to the Petitioner to place relevant documents including the arrest memo so that such aspect could be considered along with the report of CFSL.

8. Accordingly, liberty is granted to the Petitioner to approach the learned trial Court with an application for cancellation of bail on both

counts. In case such an application is filed, the learned trial Court should consider it on its own merits and decide it as expeditiously as possible. Needless to mention that an opportunity be given to the Respondent to be heard in the matter of cancellation of bail.

9. In view of the above observations and liberty, the present petition stands disposed of.

BHARAT P. DESHPANDE, J.