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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 5562/2024, CRL.M.A. 21200/2024

SHOWKAT HUSSAIN SHAH @TEHMIL HUSSAIN @ VINOD

.....Petitioner

Through: Mr. Ankit Singh and Mr. Varun
Bhati, Advocates.

versus

NARCOTICS CONTROL BUREAU

.....Respondent

Through: Counsel (Appearance not given)

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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22.07.2024

CRL.M.A. 21201/2024(exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CRL.M.C. 5562/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.') read with Article 227 of the Constitution of India, the petitioner impugns order dated 11.07.2024 passed by the learned Special Judge (NDPS), Patiala House Courts, New Delhi declining to advance the date of hearing of the interim bail application dated 08.07.2024 (stated to have been filed on



10.07.2024), which is pending before the learned Special Judge and has been posted next on 25th July 2024.

2. Though the present petition has been filed under the provisions of the Cr.P.C., in the opinion of this court, on a plain reading of section 531(2)(a) of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), proceedings are to be "... ..*disposed of, continued, held or made...*..." in accordance with the Cr.P.C. *only* in cases where ***such proceedings***, viz. "... ..*any appeal, application, trial, inquiry or investigation...*...", were already ***pending*** immediately before the date on which the BNSS came into force, i.e. 01.07.2024. It appears therefore, that while inserting the repeal and savings provision in section 531 of the BNSS, the intention of Parliament was to not disrupt on-going proceedings by changing the governing law during the pendency of such proceedings.
3. Since the present petition has been *filed after 01.07.2024*, in the opinion of this court, the present petition ought to have been filed under the BNSS. Be that as it may, in order to obviate any unnecessary delay, the present petition is treated as one under section 528 of the BNSS.
4. Mr. Ankit Singh, learned counsel appearing for the petitioner submits, that the petitioner was granted interim bail *vide* order dated 07.06.2024, which was extended upto 08.07.2024; whereupon the petitioner has surrendered back to custody.
5. Mr. Singh submits however, that by reason of certain medical complications faced by his wife, he has again sought interim bail, which application is pending consideration before the learned Special Judge. Counsel prays, that in the circumstances, his prayer is that the



learned Special Judge be directed to take-up and decide the pending interim bail application with due expedition.

6. Issue notice.
7. Learned counsel appears on behalf of the respondent/Narcotics Control Bureau ('NCB') on advance copy; and accepts notice.
8. Considering the nature of the prayer sought, it is not considered necessary to call-for a reply to the present petition.
9. Upon an overall consideration of the matter, the present petition is disposed-of, directing the respondent/NCB to file its status report, verifying the contents of the interim bail application *positively* before the next date of hearing before the learned Special Judge.
10. The learned Special Judge (NDPS), Patiala House Courts, New Delhi is requested to consider and dispose-of the interim bail application on 25.07.2024, the date already fixed in that court.
11. The petition is accordingly disposed-of.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 22, 2024

V.Rawat