

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

BAIL APPLICATION NO. 4696 OF 2024

Gladys Nyambura Nganga
Kenyan National
Aged : 52 years.
Add: P.O. Box 41, Karuri,
Bana Hills, Kiambu, Kenya.

... Applicant

V/s.

1. Union of India
(Directorate of Revenue Intelligence
(F.No.DRI/MZU/C/INT-136/2023

2. The State of Maharashtra

... Respondent

Mr. Dilip Mishra i/b. Zehra Charania, Advocate for the
Applicant.

Mr. Jitendra B. Mishra (through V.C.) a/w. Sangeeta
Yadav (through V.C.), Mr. Umesh Gupta, Advocate for
Respondent No. 1.

Mr. Prasanna Malshe, APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 21st November, 2025

P.C.:

1. Heard Mr. Dilip Mishra, learned Advocate for the Applicant,
Mr Jitendra B. Mishra(though V.C.), for the Respondent No. 1 and
Mr. Prasanna Malshe, learned APP for the Respondent No. 2-State.

2. By the present application filed under Section 483 of

Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with F. No. DRI/MZU/C/INT-136/2023 under Section 21(c) r/w. Section 8(c), 23(c) r/w. Section 8(c), 28 r/w. Section 8(c), 29 r/w. Section 8(c), 30 r/w. Section 8(c), 35 and Section 54 r/w. Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”).

3. Mr. Dilip Mishra, learned Advocate for the Applicant states that Said crime is now registered as NDPS SPL. Case No.777 of 2024 and is pending on the file of the Special Judge (NDPS), City Civil & Sessions Judge, Greater Bombay. He submits that this Court vide order dated 7th May, 2025 had called for the report on the medical condition of the Applicant from the Chief Medical Officer of Byculla Women’ Prison. He submits that the prisoner's medical report dated 15/05/2025 is received and the Applicant being a case of HIV Positive is referred to therein. He submits that the medical condition of the Applicant is referred to in the said report. He therefore submits that the Applicant would be entitled to the benefit under Section 34(2) of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017, for expeditious disposal of the NDPS SPL. Case No.777 of 2024 pending before the Special Judge (NDPS), City Civil & Sessions Judge, Greater Bombay.

4. Mr. Jitendra B. Mishra, learned Counsel for the Respondent No. 1 appearing through V.C. submits that the Applicant suffering from HIV, would be entitled to the benefit of the Human Immunodeficiency Virus and Acquired Immune Deficiency

Syndrome (Prevention and Control) Act, 2017 and thus, would be entitled to expeditious disposal of NDPS SPL. Case No.777 of 2024. He submits that the Respondent No. 1 will cooperate in the expeditious disposal of NDPS SPL. Case No.777 of 2024.

5. Section 34(2) of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017, reads as follows :

“34....

...

2. *In any legal proceeding concerning or relating to an HIV-positive person, the court shall take up and dispose of the proceeding on priority basis.”*

6. Considering the medical report dated 15.05.2025 of Applicant placed on record, the medical condition of the Applicant as mentioned in the said medical report, the fair stand taken by Mr. Jitendra B. Mishra, learned Counsel for the Respondent No. 1 and the provisions of Section 34 (2) of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017, the learned Special Judge (NDPS), City Civil & Sessions Judge, Greater Bombay is requested to prioritize the proceedings of NDPS SPL. Case No.777 of 2024 and to make an endeavour to dispose of the same expeditiously and at any rate within a period of 3 months from the date this order being placed on the file of NDPS SPL. Case No.777 of 2024. Mr. Jitendra Mishra undertakes to place the copy of this order on the file of NDPS SPL. Case No.777 of 2024 within a period of two weeks from today.

7. Mr. Dilip Mishra, learned Advocate for the Applicant and Mr. Jitendra B. Mishra, learned Counsel for the Respondent No. 1 submits that the Bail Application No. 4696 of 2024 be disposed off with the above said directions.

8. Bail Application No. 4696 of 2024 is disposed off in the above said terms.

(ASHWIN D. BHOBE. J.)