

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1817 OF 2025

Gudipati Subrahmanyam

.. Applicant

Versus

Union Of India and Anr.

.. Respondents

-
- Mr. Ayaz Khan, Advocate for Applicant.
 - Ms. Megha S. Bajoria, SPP for Respondent No.1.
 - Ms. Shilpa K. Gajare – Dhumal, APP for Respondent No.2.
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 02, 2025

P.C.:

1. Heard Mr. Khan, learned Advocate for Applicant and Ms. Bajoria, learned SPP for Respondent No.1 and Ms. Gajare – Dhumal, learned APP for Respondent No.2.

2. Applicant is incarcerated in prison for offences punishable under Narcotic and Psychotropic Substances Act, 1985 (for short '**NDPS Act**') alongwith nine other co-accused, 7 out of whom are already enlarged on bail.

3. Mr. Khan would fairly concede that case against Applicant is that he imported cargo and misdeclared its contents. According to declaration made by Applicant, he imported Calcium Carbonate tablets but according to prosecution case contents were alleged to be contraband i.e. Tramadol tablets.

4. He would submit that Applicant is arrested on 11.03.2023 and has faced ignominy in prison for the past 2 years 1 months 23 days pending trial. He would submit that prosecution is intending to examine 88 witnesses in the trial and in that view of the matter, prospect of trial being protracted and prolonged and uncertainty of trial being completed in the near foreseeable future is a distinct impossibility and hence the Court should step in and allow Application for bail.

5. Learned APP shall ascertain the veracity of submissions made by Mr. Khan and also inform the precise status of trial to Court on next adjourned date to enable Court to consider Bail Application of Applicant for grant of bail considering his long incarceration. Hence, issue notice to Respondents.

6. Ms. Bajoria, learned SPP enters appearance for Respondent No.1.

7. In addition to Court's notice, Applicant's Advocate is directed to serve the Respondents copy of this order and copy of Bail Application and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof. Respondents are directed to file Affidavit-in-Reply to Bail Application within a period of six weeks from today if so desired. Mr. Khan would submit that copy of Bail Application is

already served on Respondent No.1.

8. Ms. Bajoria, learned SPP waives service on behalf of Respondent No.1.

9. Respondent No.1 is specifically directed to file its Affidavit-in-Reply inscribing role of Applicant in present crime to enable Court to consider the Bail Application which shall be filed within a period of six weeks from today positively. Copy of Affidavit-in-Reply shall be served on learned Advocate for Applicant.

10. It is clarified that no further extension of time to file Affidavit-in-Reply shall be given by Court to Respondent No.1 which shall be noted.

11. List the Bail Application on **10th July, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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