

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2670 OF 2025**

Bhuval Kanta Yadav

...Applicant

Versus

Union Of India and Anr.

...Respondents

Mr. Taraq Sayed a/w Ashwinii Achari, *for the Applicant.*

Ms. Neha Patil, *APP for the Respondent No.1.*

Ms. Poonam P. Bhosale, *APP for the Respondent – State.*

CORAM DR. NEELA GOKHALE, J.

DATED: 18TH NOVEMBER 2025

PC:-

1. At the very outset, Mr. Sayed, learned counsel for the Applicant, fairly concedes that the charges are framed on 4th December, 2023. The evidence of the witnesses has commenced. PW-1 was examined on 22nd March, 2024; PW-2 was examined on 16th July, 2024; PW-3 was examined on 29th January, 2025 and PW-4 was examined on 14th February, 2025. He submits that there is no progress in the trial. He placed on record a decision of the Supreme Court in the case

of *The Central Bureau of Investigation v. Mir Usman alias Ara alias Mir Usman Ali*¹, wherein the Apex Court has issued certain directions and also have requested the Chief Justices of the High Courts to direct their administrative side to issue a circular to the respective district judiciaries. Paragraph No.37 of the said order reads thus:-

“37. The Chief Justices of the High Courts may direct their administrative side to issue a circular to the respective district judiciaries stating as under:

[1] The proceedings in every inquiry or trial shall be held expeditiously.

[2] When the stage of examination of witnesses starts such examination shall be continued from day-to-day until all the witnesses in the attendance have been examined except for special reasons to be recorded in writing.

[3] When the witnesses are in attendance before the Court no adjournment or postponement shall be granted without examining them, except for special reasons to be recorded in writing.

[4] The Court should not grant the adjournment to suit the convenience of the advocate concerned except on very exceptional grounds like bereavement in the family and similar exceptional reasons duly supported by memo. Be it noted that

1 (2025) SCC OnLine SC 2066

the said inconvenience of an advocate is not a “Special Reason” for the purpose of bypassing the immunity of Section 309 of the Cr.PC.

[5] In case of non-cooperation of accused or his counsel, the following shall be kept in mind:

a. In case of non-cooperation of the counsel, the Court shall satisfy itself whether the non-cooperation is in active collusion with the accused to delay the trial. If it is so satisfied for reasons to be recorded in writing, it may, if the accused is on bail, put the accused on notice to show cause why the bail cannot be cancelled.

b. In cases where the accused is not in collusion with lawyer and it is the lawyer who is not cooperating with the trial, the Court may for reason to be recorded, appoint an amicus curiae for the accused and fix a date for proceeding with cross-examination/trial.

c. The Court may also in appropriate cases impose cost on the accused commensurate with the loss suffered by the witness including the expenses to attend the court.

d. In case when the accused is absent and the witness is present for examination, in that case the Court can cancel the bail of accused if he is on bail. (Unless an application is made on his behalf seeking permission for his counsel to proceed to examine the witness present even in his absence, provided the accused gives an undertaking in writing that, he would not dispute, his identity as a particular accused in the case)

[6] The Presiding Officer of each Court may evolve the system for framing a schedule of constructive working days for examination of witnesses in each case, well in advance, after ascertaining the convenience of counsel on both sides.

[7] The summons or process could be handed over to the Public Prosecutor in-charge of the case to cause them to be served on the witnesses, as per schedule fixed by the Court.”

2. Paragraph No.37[2] of the aforesaid order directs that when the stage of examination of witnesses starts such examination shall be continued from day-to-day until all the witnesses in the attendance have been examined except for special reasons to be recorded in writing.

3. Ms. Patil, learned APP, representing Respondent No.1, states that there are in all five more witnesses which the prosecution intends to examine.

4. In view of the fact that the Applicant is in custody since 10th June, 2022, and only five witnesses remain to be examined, the Special Court, NDPS, Greater Bombay, is requested to act in aid of the decision of the Supreme Court as mentioned hereinabove. The Trial Court is requested to

expedite the trial in the present matter and preferably conclude the same within a period of three months from the date on which this order is placed before it.

5. With the aforesaid directions, Bail Application is disposed of.

(DR. NEELA GOKHALE, J)