



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 351 OF 2022**

Abdul Nasir Bhai Miya Shaikh ... Applicant

Vs.

Union of India & Anr. ... Respondent

Mr.Ayaz Khan for Applicant.

Mr.Shreeram Shirsat a/w Mr.Amandeep Singh a/w Nishi Singhvi
and Anna Oommen for Respondent No.1- NCB.

Mrs.Rutuja Ambekar - APP for Respondent No.2 - State.

**CORAM : BHARATI DANGRE, J.
DATE : 5TH SEPTEMBER, 2022**

P.C. :-

1. On 7th April, 2021, a liberty was conferred on the Applicant to revive his request for being released on bail if the charge is not framed and trial is not commenced within a period of six months.

2. More than a year have elapsed since this order is passed and once again, the Application came to be filed with the Second Bail Application by availing a liberty conferred upon him.

3. Learned Counsel for the Respondent No.1 - NCB,

Shri.Shirsat has placed on record a report showing the sequence of events and dates after the order was passed by this Court and on its perusal, what is apparent is the liberal approach adopted by the Court. It can be seen that the charge was framed on 15/7/2021 and till 3rd September, 2022, except an Application filed under Section 294 of Cr.P.C., nothing fruitful has happened.

4. The various dates which are placed before me and the events that occurred on these dates are important to note:

Orders passed by this Hon'ble Court	07/04/2021
Charge framed	15/07/2021
List of witnesses submitted	24/08/2021
Medical bail application of accused no 1	31/08/2021 to 29/09/2021
Hearing on bail application of accused no 1	4/10/2021
List of articles and CDR filed	17/12/2021
Application u/s 294 crpc	25/02/2022 to 11/03/2022
For evidence (witnesses absent)	25/03/2022 to 19/05/2022
Medical bail of accused no 1	02/06/2022 to 03/09/2022

The above chart depict the sorrow state of affairs as the Applicant remained incarcerated since 4th February, 2018 and more than four years have expired and still the trial is proceeding

at a snail pace.

5. Speedy justice being identified as an integral part of Article 21 of the Constitution of India, the judicial system is also answerable to the accused who are incarcerated, though no serious charges and what is bare minimum expect from this system is a fair and speedy trial.

From 7/4/2021 till 3/9/2022, more than a period of one year and four months, the trial has not moved even in inch. It is stated that there are 15 witnesses to be examined and learned counsel Mr.Shirsat is perfectly justified in making a serious submission about the slow pace of the trial and the Court which is trying to him.

6. The aforesaid submissions and taking into consideration the above chart, I deem it appropriate to call report from CR-42, Addl. Sessions Judges, City Civil and Sessions Court, Mumbai and let the explanation be offered as to why such leniency is granted either to the Prosecution or to the accused who had moved Medical Bail Application, which in any case could not have detained the Court from proceeding to the trial but the Court has taken

more than two months on deciding that Application.

Let the learned Court also submit the number of NDPS cases which are pending before it along with the year since when they are pending. The concerned Judge shall also submit the number of High Court and Supreme Court expedited trials which are pending before the Court. Let such a report come within a period of two weeks from today. Learned APP shall communicate the said order to the learned Judge. In addition, Mr.Shirsat shall also communicate the same.

7. To be listed on 19th September, 2022.

(BHARATI DANGRE, J.)