

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No.7099/2021

(Arising out of impugned final judgment and order dated 29-06-2021 in CRLAB No. 7/2021 passed by the High Court of Judicature at Bombay At Goa)

ANTONIO MANUEL FARIA RAMOS

Petitioner(s)

VERSUS

THE STATE OF GOA

Respondent(s)

(IA No.118301/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 23-09-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Omprakash Ajitsingh Parihar, AOR
Mr. Jitendra Singh, Adv.
Mr. Yadhvir Dalal, Adv.
Mr. Dushyant Tiwari, Adv.
Mr. Apurv S., Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The present petition is a consequence of subsequent facts which are stated to have come to light. The impugned order declines bail on the premise that cocaine was recovered from the petitioner of commercial quantity. Learned counsel for the petitioner has drawn our attention to the report of the Central Forensic Science Laboratory, Hyderabad (which was stated to be not produced at that stage) dated 10.6.2020 which opines that ketamine has been detected in exhibit-A sample and charas has been detected in

exhibit-C Sample. The quantum recovered was 240 grams. Learned counsel submits that for cocaine the commercial quantity is 100 grams and that is the basis of the impugned order. However, for charas the commercial quantity is 1 kg while for ketamine it is 500 grams. Thus the quantum recovered is below the commercial quantity.

The aforesaid being the case of change of circumstances, we are of the view that the appropriate course of action would be to permit the petitioner to file a fresh bail application before the Trial Court and the Trial Court would examine inter-alia the aforesaid aspects while examining the bail plea of the petitioner uninfluenced by the impugned order of the High Court.

The petitioner having undergone 2 years of custody would also be a factor taken into account by the Trial Court. The Trial Court will endeavor to bestow consideration on the bail application of the petitioner as early as feasible.

The special leave petition stands disposed of accordingly.

Pending applications also stand disposed of.

(RASHMI DHYANI)
COURT MASTER

(POONAM VAID)
COURT MASTER