

ITEM NO.39                      Court 3 (Video Conferencing)                      SECTION II

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 (Crl.) No(s). 5469/2020

(Arising out of impugned final judgment and order dated 02-11-2020 in SBCRLMTBA No. 17214/2017 passed by the High Court Of Judicature For Rajasthan At Jaipur)

VIKASH YADAV

Petitioner(s)

VERSUS

STATE OF RAJASTHAN

Respondent(s)

(FOR ADMISSION and I.R. and

IA No. 114192/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 114589/2020 - EXEMPTION FROM FILING O.T.

IA No. 114195/2020 - EXEMPTION FROM FILING O.T.

IA No. 114588/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 114190/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 117068/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 18-11-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT

HON'BLE MR. JUSTICE VINEET SARAN

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s)      Mr. Sidharth Dave., Sr. Adv  
                                 Ms. Archana Pathak Dave, AOR  
                                 Mr. Kumar Prashant, Adv.  
                                 Mr. Vinya Gupta, Adv.

For Respondent(s)

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

The petitioner is facing prosecution where he is alleged to

have committed offence punishable under Sections 8 read with Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "The NDPS Act"). The petitioner was initially granted bail by the High Court vide order dated 15.12.2017 which order was set aside by this Court on 04.02.2019. The matter was however, restored to the file of the High Court so that it could be gone into on merits afresh.

The matter was thereafter considered by the High Court and by the order which is presently under appeal, the application preferred by the petitioner for release on bail under Section 37 of the NDPS Act has been rejected.

Heard Mr. Siddhartha Dave, learned Senior Advocate.

We see no ground to interfere.

In the circumstances, we grant 15 days time to the petitioner to surrender before the concerned Police Station, failing which the concerned Police shall arrest the petitioner and take him in custody. A copy of this order shall be sent to the Jurisdictional Chief Judicial Magistrate, Trial Court where the trial is presently pending as well as to the concerned Police Station for compliance.

Mr. Dave, learned Senior Advocate submitted that the petitioner is presently detected to be COVID-19 positive and is undergoing treatment. If he does not recover within 15 days, the concerned Police shall take steps to make all medical facilities available to the petitioner.

It has been brought to our notice that out of 42 witnesses

cited to be examined on behalf of the prosecution, 22 witnesses have been examined. However, after the lock-down was declared pursuant to COVID-19 Pandemic, no witness has been examined. We direct the Trial Court to consider expediting the trial and conclude the proceedings as early as possible.

With the above observations, this SLP is dismissed.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)  
COURT MASTER (SH)

(BEENA JOLLY)  
COURT MASTER (NSH)