

ITEM NO.4

COURT NO.15

SECTION II-A

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 43071/2024

[Arising out of impugned final judgment and order dated 07-05-2024 in CRLM No. 20939/2024 passed by the High Court of Judicature at Patna]

VIJAY SINGH

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 226167/2024 - CONDONATION OF DELAY IN FILING SLP, IA No. 258559/2024 - CONDONATION OF DELAY IN FILING THE SPARE COPIES, IA No. 226175/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 226171/2024 - EXEMPTION FROM FILING O.T.)

Date : 03-12-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s)

Mr. Nishant Bishnoi, AOR
Ms. Srishti Prabhakar, Adv.

For Respondent(s)

Mr. Satya Darshi Sanjay, A.S.G.
Mr. Rajat Nair, Adv.
Mr. Padmesh Mishra, Adv.
Mr. Raman Yadav, Adv.
Ms. Sweksha, Adv.
Mr. Arvind Kumar Sharma, AOR

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

1. Delay condoned.
2. Heard the learned counsel appearing for the petitioner and the learned Additional Solicitor General appearing for the Union of India.

This Court vide order dated 4-10-2024 while issuing notice, had directed the release of the petitioner on interim bail, subject to the terms and conditions as may be imposed by the Trial Court.

4. We are conscious of the fact that in offences relating to NDPS, the Courts should be loath in granting bail, more particularly having regard to the provision of Section 37 of the Act.

5. However, time and again, this Court has reminded different States as well as the Narcotic Control Bureau that Article 21 of the Constitution of India over-rides Section 37 of the Act. If there is an undue delay on the part of the prosecution in concluding the trial and that too for no fault on the part of accused, then accused cannot be kept in jail for indefinite period of time.

6. In the case on hand, the petitioner is in custody since 2-11-2020. So far, only two witnesses have been examined by the prosecution.

7. In such circumstances, the interim bail, which was earlier granted by this Court on 4-10-2024 is made absolute, subject to further terms and conditions that the Trial Court may deem fit to impose.

8. The Special Leave Petition is disposed of in the above terms.

9. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)