

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO. 1640 OF 2010

THANA SINGH

Appellant (s)

VERSUS

CENTRAL BUREAU OF NARCOTICS

Respondent(s)

(With office report)

Date: 09/05/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s)

Mr. Sunil Verma, Adv.
Mr. Sanjay Sharawat, Adv.

For Respondent(s)
UOI

Mr. Vivek Tankha, ASG
Mr. J.S. Attri, Sr. Adv.
Mr. Saurabh Ajay Gupta, Adv.
Mr. S.L. Gupta, Adv.
Ms. Sukhbeer Kaur Bajwa, Adv.
Ms. Sadhana Sandhu, Adv.
Ms. Anil Katiyar, Adv.
Mr. Shreekant N. Terdal, Adv.

State of Rajasthan

Dr. Manish Singhvi AAG
Mr. Irshad Ahmad, Adv.

State of Punjab

Mr. Kuldip Singh, Adv.

State of UP

Mr. Shail Kumar Dwivedi, AAG
Mr. Sanjay Visen, Adv.
Mr. Manoj Kr. Dwivedi, Adv.
Mr. Gunnam Venkateswara Rao, Adv.

State of
Chhattisgarh

Mr. Atul Jha, Adv.
Mr. D.K. Sinha, Adv.

Mr. G Prakash, Adv.

State of Bihar

Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.

State of Jharkhand

Mr. Gopal Prasad, Adv.

State of Tripura

Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.

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State of Gujarat

Ms. Hemantika Wahi, Adv.
Ms. Pinky Behra, Adv.
Mr. Ashwani Kumar, Adv.

Mr. Naresh K Sharma, Adv.

Ms. Sunita Sharma, Adv.

	Mr. Ashok Bhan, Adv. Mr. M. Khairati, Adv. Mr. S.S. Rawat, Adv. Mr.D.S. Mahra, Adv.
State of Meghalaya	Mr. Ranjan Mukherjee, Adv. Mr. S. Bhowmick, Adv. Mr. S.C. Ghosh, Adv.
State of Manipur	Mr. Khwairakpam Nobin Singh, Adv. Mr. Sapam Biswajit Meitei, Adv.
State of Arunachal Pradesh	Mr. Anil Shrivastav, Adv.
State of Assam	Mr. Navnit Kumar, Adv. Mr. Avijit Roy, Adv. Ms. Vartika Sahay, Adv. for M/s Corporate Law Group
State of Uttarakhand	Mr. Abhishek Atrey, Adv. Mr. Brijesh Panchal, Adv. Mr. Jatinder Kumar Bhatia, Adv.
State of Tamil Nadu	Mr. S Thananjayan, Adv.
State of Karnataka	Ms. Anitha Shenoy, Adv. (AC) Mr. Balaji Srinivasan, Adv.
State of Maharashtra	Mr. Sanjay V. Kharde, Adv. Ms. Asha G Nair, Adv. Ms. Vibha Datta Makhija, Adv.
State of Mizoram	Mr. Pragyan Pradip Sharma, Adv. Mr. Rupesh Gupta, Adv. Ms. Mandakini Sharma, Adv. Mr. Siddhartha Lodha, Adv. Mr. P.V. Yogeswaran, Adv.
State of Orissa	Mr. Suresh Ch. Tripathy, Adv.

...3/-

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State of West Bengal	Mr. Avijit Bhattacharjee, Adv. Ms. Sarbani Kar, Adv. Mr. Bidyabrata Acharya, Adv.
State of Nagaland	Mr. Edward Belho, Adv. Mr. K Enatoli Sema, Adv. Ms. Vijaya, Adv.
U.T. of Pondichery	Mr. V.G. Pragasam, Adv. Mr. S.J. Aristotle, Adv Mr. Prabu Rama subramanian, Adv.
State of Sikkim	Mrs. Aruna Mathur, Adv. for Arputham Aruna & Co.
State of Haryana	Mr. Manjit Singh, AAG Mr. Vikas Sharma, Adv.

Mr. Tarjit Singh, Adv.
Ms. Vivekta Singh, Adv.
Mr. Kamal Mohan Gupta, Adv.

State of Goa Ms. A. Subhashini, Adv.
Mr. Siddharth Bhatnagar, Adv.
Mr. Pawan Kumar Bansal, Adv.
Mr. T. Mahipal, Adv.

State of A.P. Mr. R. Venkataramani, Sr. Adv.
Mr. D. Mahesh Babu, Adv.
Mr. Ramesh Allanki, Adv.
Ms. Savita Dhanda, Adv.

State of J & K Mr. Sunil Fernandes, Adv.
Ms. Ashta Sharma, Adv.

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

In deference to our order dated 1st April,

2011, Chief Secretary to the Government of Andhra

Pradesh is present in Court in person. An
affidavit, stating that there are no under-trial

prisoners in the State of Andhra Pradesh, under

the NDPS Act, who have been in incarceration for

a period of five years or more, has also been

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filed. However, Chief Secretaries of the Union

Territories of Daman & Diu and Dadra and Nagar

Haveli are not present. But an affidavit on

behalf of the said Union Territories has been

filed. In the affidavit, it is stated that no

prisoner is lodged in jail facing trial for more

than five years for offences punishable under the

NDPS Act. In light of the said affidavits, we

dispense with the personal appearance of the

Chief Secretaries of the said Union Territories

and the State of Andhra Pradesh.

As per the information tabulated by the

learned Amicus Curiae, in some of the States,

there are large number of under-trial prisoners

who are in incarceration in cases under the NDPS Act for a period of five years or more. In view of the said unfortunate situation in these States, we direct that on the next date of hearing Standing Counsel/Counsel for the Union Territories of Delhi, Andaman & Nicobar Islands and States of Bihar, Gujarat, Madhya Pradesh, Meghalaya, Rajasthan, Uttar Pradesh and West Bengal shall have complete instructions with regard to the reasons for delay in the trial in such cases. We may note that if on the next

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date, complete instructions from the said States/ Union Territories are not forthcoming, we shall be constrained to summon the Home Secretaries of the defaulting States/Union Territories to assist us in making appropriate orders in this case.

List on 4th August, 2011 at 3.00 p.m.

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master