



ITEM NO.49

COURT NO.6

SECTION II-E

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 SPetition for Special Leave to Appeal (Crl.) No.2197/2026

[Arising out of impugned final judgment and order dated 19-12-2025 in IA No. 29705/2025 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

AJAY KUMAR GUPTA

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

(FOR ADMISSION)

(IA No. 39646/2026 - EXEMPTION FROM FILING O.T.)

Date : 10-02-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Ms. Anu H.Kirutthika, Adv.  
Mr. Samant Singh, Adv.  
Mr. Rajeev Singh, AOR  
Mr. Ashwani Singh, Adv.  
Mr. Rohit Singh, Adv.

For Respondent(s) :

Mr. Rajan Kumar Chourasia, Adv.  
Ms. Mrinal Gopal Elker, AORUPON hearing the counsel the Court made the following  
O R D E R

1. Exemption Application is allowed.
2. This petition arises from the order passed by the High Court of Madhya Pradesh dated 19-12-2025 in I.A. No.29705/2025 preferred in Criminal Appeal No.5097/2025 by which the I.A. preferred by the petitioner - herein praying for suspension of the substantive order of sentence passed by the Special Judge (NDPS) in NDPS Case No.169/2021 came to be rejected.

3. It appears from the materials on record that the petitioner was put to trial in the Court of Special Judge, District Rewa, Madhya Pradesh in NDPS Case No.169/2021 for the offence punishable under Section 8(c) read with Section 21-C of the NDPS Act.

3. The Trial Court held the petitioner guilty of the alleged offence and sentenced him to undergo rigorous imprisonment for 10 years with fine of Rs.1,00,000/- with default stipulations.

4. The petitioner, being dissatisfied with the Judgment and Order of conviction passed by the Trial Court, has preferred Criminal Appeal No.5097/2025 in the High Court. The appeal has been admitted. In the said appeal, the petitioner prayed by way of I.A. that he be released on bail pending final disposal of the appeal by suspending the substantive order of sentence under the provisions of Section 430(1) of the Bharatiya Nagrik Suraksha Sanhita, 2023 (erstwhile Section 389 of the Code of Criminal Procedure, 1973).

5. The application, referred to above, came to be rejected by the High Court. In such circumstances, the petitioner is here before us with the preset petition.

6. We heard Ms. Anu H.Kirutthika, the learned counsel appearing for the petitioner and Mr. Rajan Kumar Chourasia, the learned counsel appearing for the State.

7. We take notice of the fact that the petitioner has been sentenced to a fixed term of 10 years.

8. Ordinarily, when the sentence is of a fixed term, the Appellate Court should consider the plea for suspension of sentence liberally unless there are exceptional circumstances to decline.

9. This is not a case wherein the accused has been sentenced to undergo life imprisonment.

10. We are conscious of the fact that the prosecution is under the NDPS Act. We are also conscious of the fact that the prosecution has been able to establish its case before the trial court.

11. However, we should not overlook the fact that the appeal is of the year 2025 and the same may take a considerable long time before it is taken up for final hearing. Besides the same, there is one another circumstance we should not overlook that three co-convicts

of the same trial have already been released on bail by the High Court.

12. In such circumstances, referred to above, we suspend the substantive order of sentence passed by the High Court and order that the petitioner be released on bail, subject to the terms and conditions that the Trial Court may deem fit to impose.

13. With the aforesaid, the Special Leave Petition stands disposed of.

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

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)  
COURT MASTER (NSH)