



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2026
(@ Special Leave Petition (CrI.) No.3641/2026)

BARNALI BAG

...APPELLANT(S)

VERSUS

UNION OF INDIA

...RESPONDENT(S)

O R D E R

Leave granted.

This appeal challenges the judgment and order dated 02.02.2026 passed by the High Court of Calcutta at Calcutta in CRM (NDPS) No.1292 of 2025.

The appellant herein has been booked for the crime registered pursuant to F.No. SI(VII)-169/2025(AIU) dated 25.07.2025 lodged with Police Station Customs, Air Intelligence Unit, Kolkata, with respect to offences punishable under Section 8 read with Sections 20(b)(ii)(B)/23/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

An application seeking regular bail having been rejected by the High Court vide impugned order dated 02.02.2026, the appellant has preferred the instant appeal.

By order dated 26.02.2026, the following order was passed by this Court:

"Issue notice to the respondent, returnable on 24.03.2026. Learned counsel for the respondent accepts notice."

We have heard learned senior counsel for the appellant and learned counsel for the respondent and perused the material on record.

Learned senior counsel for the appellant submitted that the appellant herein is a lady, who has been in jail since 26.07.2025; that three other co-accused were granted the relief of bail by the High Court. The appellant herein although similarly placed with the other co-accused has been denied the relief of bail. In the circumstances, simply on the application of the principle of parity, this Court may set aside the impugned order and the appellant herein may also be granted the relief of bail subject to the terms and conditions that may be imposed.

Learned senior counsel for the appellant further submitted that the charges are yet to be framed and there would inevitably be delay in the conclusion of the proceedings.

Per contra, learned counsel for the respondent/Union of India with reference to the counter affidavit contended that this is a serious case where 4013 grams of ganja was recovered from the appellant's bag; it may be that the other co-accused have been granted bail but that is no reason to grant a similar relief to the appellant herein. She therefore, submitted that there is no merit in this appeal and the same may be dismissed.

Considering the facts on record, in our view, the case for bail is made out.

We, therefore, allow this appeal and direct as under:

"The appellant shall be produced before the concerned Trial Court as early as possible and the Trial Court shall release her on bail, subject to such conditions as it may deem appropriate to impose to ensure her presence in the proceedings arising out of F.No. SI(VII)-169/2025 (AIU) dated 25.07.2025 mentioned above."

It is directed that the appellant shall extend complete cooperation in the ensuing trial.

The appellant shall not misuse her liberty and shall not in any way influence the witnesses or tamper with the material on record.

Any infraction of the conditions may entail cancellation of bail granted to the appellant.

With the aforesaid directions, the criminal appeal is allowed.

.....J.
[B.V. NAGARATHNA]

.....J.
[UJJAL BHUYAN]

NEW DELHI
MAY 19, 2026

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). 3641/2026
[Arising out of impugned final judgment and order dated 02-02-2026
in CRM (NDPS) No. 1292/2025 passed by the High Court at Calcutta]

BARNALI BAG

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

IA No. 63530/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

Date : 19-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :Mr. Siddharth Agarwal, Sr. Adv.
Mr. Snehasish Mukherjee, AOR
Mr. Samarth Krishan Luthra, Adv.
Mr. Bishajib Ghosh, Adv.
Mr. Soumya Nag, Adv.
Mr. Amir Ali, Adv.
Mr. Maneesh, Adv.
Mr. Asit Kumar Roy, Adv.
Mr. Vishal Agarwal, Adv.

For Respondent(s) :Mr. S D Sanjay, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Sanjay Kumar Tyagi, Adv.
Mrs. Parthvi Ahuja, Adv.
Mr. Madhav Sinhal, Adv.
Mr. Ishaan Sharma, Adv.
Mrs. Astha Singh, Adv.

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

Leave granted.

The Appeal is allowed in terms of the signed
order.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)
DEPUTY REGISTRAR

(DIVYA BABBAR)
COURT MASTER (NSH)

(signed order is placed on the file)

