



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL No. 2314 of 2026
[Arising out of SLP (Crl.) No.5264/2026]**

**ISMAIL @LUNGI @MAMA
FAQIRMOHAMMAD SHAIKH(ISMAIL
@LUNGI FAKIRMAHAMMAD SHAIKH) APPELLANT**

VERSUS

STATE OF GUJARAT

RESPONDENT

ORDER

1. Leave granted.
2. The High Court of Gujarat at Ahmedabad, by the impugned judgment and order dated 24th December, 2025, has rejected the appellant's fifth prayer for bail.
3. Appellant, figuring as an accused in FIR CR No. 11191011230215 of 2023 dated 4th August, 2023 registered at Police Station D.C.B., Ahmedabad City under Sections 8(c), 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, was arrested on 8th

August, 2023.

4. We have heard learned counsel for the parties.

5. From the co-accused (A-1), 391 bottles of codeine syrup were recovered. Appellant is A-2. There is another accused (A-3). Prosecution case is that A-3 supplied the contraband to the appellant, who in turn supplied it to A-1. Both A-1 and A-3 are on bail.

6. Upon cognizance of offence being taken, charges in the present case have been framed on 7th February, 2026 and 15 (fifteen) witnesses are proposed to be examined by the prosecution to drive home the charges against the appellant and his co-accused; however, witness action is yet to start. Trial is, therefore, likely to take time to conclude.

7. Having regard to the role attributed to the appellant and taking an overall view of the matter, we are of the considered opinion that the appeal deserves acceptance and also that the appellant may be admitted to an order for grant of bail.

8. Accordingly, we set aside the impugned judgment

and order.

9. Appellant shall be released on bail, subject to furnishing of bail bonds to the satisfaction of the trial court and subject to such other terms and conditions as may be imposed by it.

10. Needless to observe, the appellant shall not, directly or indirectly, by making inducement, threat or promise, dissuade any person acquainted with the facts of the case from disclosing such facts to the court.

11. In the event there is any breach of the terms and conditions for grant of bail, the trial court shall be at liberty to cancel the bail of the appellant.

12. It is also ordered that the appellant shall diligently attend proceedings of the trial, unless exempted. If he abstains from attending the proceedings without justifiable cause, that could also be seen as breach of the conditions for grant of bail and the trial court will be free to pass appropriate orders.

13. We clarify that the observations made in this order and grant of bail will not be treated as findings on the

merits of the case.

14. The appeal is, accordingly, allowed on the aforesaid terms.

15. Pending application(s), if any, shall stand disposed of.

.....J.
(DIPANKAR DATTA)

.....J.
(SATISH CHANDRA SHARMA)

**New Delhi;
May 04, 2026.**

ITEM NO.7

COURT NO.8

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 S

Petition for Special Leave to Appeal (Crl.) No.
5264/2026

[Arising out of impugned final judgment and order dated 24-12-2025 in CRLMA(RB) No. 27359/2025 passed by the High Court of Gujarat at Ahmedabad]

ISMAIL @LUNGI @MAMA FAQIRMOHAMMAD SHAIKH
(ISMAIL @LUNGI FAKIRMAHAMMAD SHAIKH) Petitioner(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

(IA No. 89920/2026 - EXEMPTION FROM FILING C/C OF
THE IMPUGNED JUDGMENT; IA No. 89922/2026 -
EXEMPTION FROM FILING O.T.)

Date : 04-05-2026 This matter was called on for
hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) Mr. Ronak Karanpuria, AOR
Mr. Rohit Gautam, Adv.

For Respondent(s) Ms. Swati Ghildiyal, AOR
Ms. Apoorva Anand, Adv.

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

1. Leave granted.
2. The criminal appeal stands allowed in terms of the signed order which is placed on the file.
3. Pending application(s), if any, shall stand disposed of.

**(SNEHA DAS)
SENIOR PERSONAL ASSISTANT**

**(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)**