

ITEM NO.39

COURT NO.7

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).6124/2010

(From the judgement and order dated 21/05/2010 in CRLMB No. 17581/2009 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

SHYAM KUMAR @ SETH

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(With appln(s) for bail)

Date: 03/12/2010

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s)

Mr. Divyesh Pratap Singh, Adv.
Mr. Yasser Arafat, Adv.
Dr. Kailash Chand, Adv.

For Respondent(s)

Mr. P.P. Malhotra, ASG.
Mr. Gourav Sharma, Adv.
Mr. Shailender Saini, Adv.
Mr. Shreekant N. Terdal, Adv.

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

We have heard learned counsel for the parties.
Learned Additional Solicitor General concedes
that the Notification could not be given effect
to retrospectively. The net result would be that
the heroin recovered from the petitioner could
SLP(Crl.) No. 6124 of 2010

not be said to be of commercial quantity. We
also see that the petitioner has been in custody
for more than four years and that the maximum
sentence that he could be awarded is ten years

and as a large number of witnesses are still to
be examined we are of the opinion that the
petitioner is entitled to bail.

We, therefore, grant bail to the petitioner
to the satisfaction of the trial court.

The Special Leave Petition is disposed of.

(KALYANI GUPTA)
SR. P.A.

(VINOD KULVI)
COURT MASTER