



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

CRIMINAL APPEAL No.2808/2026
[Arising out of SLP(Crl.) No.7666/2026]

ABHISHEK JAIN

APPELLANT

VERSUS

UNION OF INDIA

RESPONDENT

ORDER

1. Leave granted.
2. The High Court of Madhya Pradesh by the impugned judgment and order dated 20th March, 2026 has declined the appellant's prayer for suspension of sentence under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
3. The application for suspension of sentence has been rejected despite the fact that the appellant was sentenced to imprisonment for 11 years for offences committed under Section 21(c) r/w 8(c) of the Narcotic Drugs & Psychotropic Substances Act and has been behind bars for more than 7

years.

4. We have heard learned counsel appearing on behalf of the parties.

5. Appellant has voiced a grievance that although he has an arguable case in his appeal, the appeal may not be heard at any time prior to his serving out the sentence having regard to the huge pendency of appeals before the High Court.

6. The appeal carried by the appellant before the High Court challenging his conviction and sentence is in exercise of his statutory right conferred by the BNSS. As noted, he has spent 7 years in custody which is more than half the period of imprisonment for which he has been sentenced. Pendency of criminal appeals before the High Court is quite high and the possibility of the appeal being heard in the near future is fairly remote. There is, thus, a genuine apprehension in the mind of the appellant that his appeal could be rendered infructuous by passage of time without

the same being taken up for consideration.

7. We are of the further view that the appellant having served a substantial period behind bars, the High Court could have fixed a date for final hearing of the appeal requiring the appellant to argue the same. Had the appellant declined to argue the appeal finally, rejection of the prayer for suspension of sentence would definitely been an option then. No such attempt appears to have been made. In these circumstances, we fail to comprehend as to what was the justification for the High Court to deny the relief of suspension of sentence to the appellant. Declining relief in such a case has given rise to this appeal, quite unnecessarily. We, thus, do not find the approach of the High Court to be justified, on facts and in the circumstances.

8. The impugned order is, accordingly, set aside.

9. The sentence imposed by the trial court shall remain suspended till disposal of the appellant's appeal before the High Court and he shall be released on bail, pending

decision on his appeal, subject to such terms and conditions as may be imposed by the trial court.

10. 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.

11. Appellant shall actively pursue his appeal before the High Court and should a prayer for hearing of the appeal be made, the same may be considered reasonably. If the prayer is granted by the High Court, the appellant shall extend due cooperation to take the appeal to its logical conclusion. In the event of the High Court willing to proceed with hearing of the appeal but the appellant abstaining from attending proceedings, the High Court shall be free to pass appropriate orders including cancellation of bail.

12. Also, if it is brought to the notice of the High Court by the respondent-State that the appellant has breached any of the terms and conditions for grant of bail, the High Court shall be at liberty to cancel the bail.

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

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

15. The respondent-Union shall be at liberty to seek early hearing of the appeal by citing this order before the High Court if no attempt is made by the appellant in this behalf.

.....J.
(DIPANKAR DATTA)

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

**New Delhi;
May 25, 2026**

ITEM NO.14

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
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.)
No.7666/2026

[Arising out of impugned final judgment and order
dated 20-03-2026 in I.A. No.3790/2026 in CRA No.23
of 2020 passed by the High Court of Madhya Pradesh
at Indore]

ABHISHEK JAIN

Petitioner

VERSUS

UNION OF INDIA

Respondent

FOR ADMISSION

I.A. No.128900/2026-EXEMPTION FROM FILING O.T.

Date : 25-05-2026 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. Amit Lahoti, Adv.
Mr. Vaibhav Maheshwari, Adv.
Ms. Sadhana Sandhu, AOR
Ms. Shikha Sandhu, Adv.
Mr. Ankur Yadav, Adv.
Mr. Sarthak Chaturvedi, Adv.
Ms. Pritee Singh, Adv.

**For Respondent(s) :Mr. S. D. Sanjay, A.S.G.
Ms. Nikita Sethi, Adv.
Ms. Astha Singh, Adv.
Mr. Aman Jha, Adv.
Mr. Arvind Kumar Sharma, AOR**

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

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

**(RASHMI DHYANI PANT) (SUDHIR KUMAR SHARMA)
ASTT. REGISTRAR-cum-PS COURT MASTER (NSH)
(signed order is placed on the file)**