



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

CRIMINAL APPEAL No.857/2023

MANNAN SHEIKH

Appellant(s)

VERSUS

THE STATE OF JHARKHAND

Respondent(s)

WITH

CRIMINAL APPEAL No.842/2023

O R D E R

1. The issues involved in the appeals lie in a very narrow compass. Despite the fact that the appellants were charged for the possession of intermediate quantity qua the narcotic substance 'charas', the conviction was rendered by treating it as 'Heroin'. This was done based upon the SFSL report.

2. Learned counsel appearing for the appellant(s) pressed forth the aforesaid submission by stating that the samples seized were sent by the Officer concerned to the Investigating Officer only after 18 days. Though the SFSL report was filed, the author was not examined before the trial Court.

3. The said report dated 10.9.2012 despite being available before the Court was not taken into account

as the questioning under Section 313 of the Code of Criminal Procedure, 1973, was also not with respect to the possession of 'Heroin' but only with respect to 'Charas'.

4. The aforesaid factual scenario would clearly enure to the benefit of the appellants in seeking the conviction to be modified. If the contraband is 'charas' of intermediate quantity, then it would constitute a maximum punishment of 10 years. The appellants have already completed 10 years. Thus, considering the aforesaid submission which we concur with, the conviction stands modified to the one punishable under Section 20(b)(ii)(B) of the NDPS Act and therefore the sentence is modified to a period of 10 years.

5. Accordingly, the appeals stand allowed in part by modifying the sentence to 10 years. Considering the facts and circumstances of the case, the fine imposed against the appellants also stand set aside.

6. The appellants shall be released forthwith, if not required in any other case.

7. In such view of the matter, the bail bond(s)

stands discharged.

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

., J.
[M.M. SUNDRESH]

., J.
[ARAVIND KUMAR]

NEW DELHI;
August 08th, 2024

ITEM NO.105

COURT NO.13

SECTION II-A

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

MANNAN SHEIKH Criminal Appeal No(s). 857/2023 Appellant(s)

VERSUS

THE STATE OF JHARKHAND Respondent(s)

(I.A. No. 195738/2022 - EXEMPTION FROM FILING O.T.)

WITH

CrI.A. No. 842/2023 (II-A)

(I.A. No. 52709/2023 - EXEMPTION FROM FILING O.T.)

Date : 08-08-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Appellant(s) Mr. Anup Kumar, AOR
Mr. Shekhar Prasad Gupta, Adv.
Ms. Pragya Choudhary, Adv.
Ms. Shruti Singh, Adv.
Mrs. Neha Jaiswal, Adv.
Mr. Shivam Kumar, Adv.

For Respondent(s) Mr. Vishnu Sharma, Standing Counsel, Adv.
Ms. Madhusmita Bora, AOR
Mr. Riju Raj Singh Jamwal, Adv.
Mr. Pawan Kishore Singh, Adv.
Mr. Dipankar Singh, Adv.
Mrs. Anupama Sharma, Adv.

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

1. The appeals are allowed in part in terms of the signed order.
2. Pending application(s), if any, shall stand disposed of.

(RASHMI DHYANI PANT)
COURT MASTER (SH)

(POONAM VAID)
COURT MASTER (NSH)

(signed order is placed on the file)