



ITEM NO.35 + 51

COURT NO.14

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

Petition(s) for Special Leave to Appeal (CrI.) No(s). 302/2023
(Arising out of impugned final judgment and order dated 18-04-2022
in CRADB No. 1399/2016 passed by the High Court Of Jharkhand At
Ranchi)

MANNAN SHEIKH

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND

Respondent(s)

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 10608/2023
([TO BE TAKEN UP ALONG WITH ITEM NO.35 I.E. SLP(CrI) No.
302/2023.]...FOR ADMISSION and I.R. and IA No.52707/2023-
CONDONATION OF DELAY IN FILING and IA No.52709/2023-EXEMPTION FROM
FILING O.T.)

Date : 17-03-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s)

Mr. Anup Kumar, AOR
Mr. Shekhar Prasad Gupta, Adv.
Ms. Neha Jaiswal, Adv.
Ms. Shruti Singh, Adv.

For Respondent(s)

Mr. Vishnu Sharma, Adv.
Ms. Madhusmita Bora, AOR
Mr. Dipankar Singh, Adv.
Mrs. Anupama Sharma, Adv.
Mr. Bir Inder Singh Gurm, Adv.

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

SLP (CrI.) No(s). 302/2023

Leave granted.

SLP (CRL) Diary No(s). 10608/2023

Delay condoned.

Leave granted.

Issue notice.

Ms. Madhusmita Bora, learned counsel accepts notice. Hence, formal service of notice is waived of.

The impugned judgment has affirmed the conviction and sentence imposed upon the appellant for the offence punishable under Section 20(b)(ii)(B) of the NDPS Act. The prosecution alleged and proved that he possessed 780 grams of Charas. The relevant entry in Item No. 23 of the notification specifying small and commercial quantity (S.O.527(E) dated 16.07.1996) stipulates that in such cases 100 grams of Cannabis (Charas, Hashish (extracts and tinctures of cannabis) is a small quantity and commercial quantity is 1 Kg.

In terms of the penal provision i.e. Section 20(b)(ii)(B) of the NDPS Act, this offence is punishable with a maximum sentence of 10 years. In the present case, the concurrent sentence imposed upon the appellant is 12 years.

Having regard to the above facts, this Court is of the prima facie opinion that the appellant deserves to be enlarged on bail. The appellant is accordingly directed to be released on bail subject to such conditions that the trial court may impose.

List the matters on 24th April, 2023 at the end of the Board.

(SONIA BHASIN)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)