



ITEM NO.37

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No. 34888/2022

(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. 195737/2022 - CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS

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

Date : 05-01-2023 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)

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

Delay condoned.

Issue notice, returnable in four weeks.

The impugned judgment has affirmed the conviction and sentence imposed upon the petitioner for the offence punishable under Section 20(b)(ii)(B) of the NDPS Act. The prosecution alleged and proved that he possessed 700 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 petitioner is 12 years.

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

List after four weeks.

(NEETA SAPRA)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)