

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.862 OF 2021
(@ out of SLP (CrI.) No. 6028/2020)

UNION OF INDIA

Appellant(s)

VERSUS

VIMLA SINGH

Respondent(s)

O R D E R

Leave granted.

This appeal challenges the order dated 03.03.2020 passed by the High Court of Judicature at Allahabad, Lucknow Bench in Bail No.11405/2019 filed by accused - Vimla Singh- respondent herein.

The respondent alongwith four others is facing prosecution for having committed offences punishable under Sections 8(C), 18, 28, 29 and 42 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("the Act", for short) and was taken in custody on 10.08.2019.

By aforesaid order dated 03.03.2020, the application preferred by respondent seeking relief under Section 439 of the Code of Criminal Procedure ('the Code' for short) was allowed by the High Court pursuant to which the respondent has been released on bail.

Similar relief was extended to other accused.

Heard Ms. Aishwarya Bhati and Mr. Jayant K. Sood, learned ASGs for the appellant and Mr. Ashutosh Lal, Mr. Dushyant Parashar and Mr. Ehtesham Hashmir, learned advocates for the respondents-accused

in all the matters.

Learned ASGs submit that the order passed by the High Court has not taken into account the effect and rigour of Section 37 of the Act. It is also submitted that after framing of charges in the instant matter, the trial is on progress and only five witnesses are left to be examined on behalf of the prosecution.

We see force in the submission. We, therefore, allow this appeal and while setting aside the order passed by the High Court direct the respondent to surrender before the concerned police station with 15 days from today, failing which the bail bonds furnished at the time of her release shall stand forfeited and the respondent shall be taken into custody forthwith by the concerned police.

CRIMINAL APPEAL NO.863 OF 2021
(@ out of SLP(Cr1) No. 4780/2021)

CRIMINAL APPEAL NO.864 OF 2021
(@ out of SLP(Cr1) No. 3709/2021)

CRIMINAL APPEAL NO.865 OF 2021
(@ out of SLP(Cr1) No. 3453/2021)

CRIMINAL APPEAL NO.866 OF 2021
(@ out of SLP(Cr1) No. 4065/2021)

As stated above, based on the aforesaid order dated 03.03.2020, four other accused, namely, Dhanraj, Chausari Kami, Ram Bahadur Singh and Bhakt Bahadur Singh vide orders dated 11.11.2020, 29.07.2020, 18.12.2020 and 24.11.2020 respectively were granted bail. The orders passed in their matters also suffer from the same infirmity.

Those orders are, therefore, set aside and the concerned respondents are also directed to surrender to present themselves before the concerned Police Station within 15 days, failing which bail bonds furnished at the time of their release shall stand forfeited and the police shall be at liberty to take them in custody forthwith.

With the aforesaid directions, all the appeals stand allowed.

.....J.
(UDAY UMESH LALIT)

.....J.
(AJAY RASTOGI)

New Delhi,
August 19, 2021

ITEM NO.20 Court 2 (Video Conferencing) Revised for appearance 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 (Cr1.) No(s). 6028/2020

(Arising out of impugned final judgment and order dated 03-03-2020 in BN No. 11405/2019 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

UNION OF INDIA

Petitioner(s)

VERSUS

VIMLA SINGH

Respondent(s)

(FOR ADMISSION and I.R. and IA No.124101/2020-EXEMPTION FROM FILING O.T

IA No. 124101/2020 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Cr1) No. 4780/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 3709/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 3453/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 4065/2021 (II)
(IA No. 65814/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 19-08-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s)

SLP(Cr1) No.6028/2020 Mr. Aman Lekhi, ASG
Mr. B V Balaram Das, AOR
Ms. Nivedita Nair, Adv.
Mr. Akshay Amritanshu, Adv.
Mr. Varun Chugh, Adv.
Ms. **Vimla** Sinha, Adv.

SLP(Cr1) No. 4780/2021 Mr. Aman Lekhi, ASG
Ms. Aishwarya Bhati, ASG.

Mr. Manish, Adv.
 Ms. Alka Agrawal, Adv.
 Mr. B.V. Balram Das, AOR

SLP(Cr1) No. 3709/2021 Mr. Aman Lekhi, ASG
 Ms. Aakanksha Kaul, Adv.
 Ms. Swati Ghildiyal, Adv.
 Mr. Akshay Amritanshu, Adv.
 Mr. B.V. Balram Das, AOR

SLP(Cr1) No.3453/2021 Mr.Tushar Mehta, SG
 Mr. Jayant Sud, ASG
 Mr. D.L.Chidananda, Advocate
 Mr.Mehul Gupta, Advocate
 Mr.Rajat Nair, Advocate
 Mr. B. V. Balaram Das, AOR

SLP(Cr1) No.4065/2021 Mr. Vikramjit Banerjee, ASG
 Mr. Nachiketa Joshi, Adv.
 Mr. Adit Khurana, Adv.
 Ms. Rashmi Malhotra, Adv.
 Mr. B. V. Balaram Das
 Mr. Aman Lekhi,ASG
 Mr. Akshay Amritanshu, Adv
 Ms. Swati Ghildiyal, Adv
 Ms. Aakansha kaul, Adv
 Mr. BV Balaram Das, AOR

For Respondent(s) Mr. Ashutosh Lal, Adv.
 Mr. Alok Kr. Misra, Adv.
 Dr. Vinod Kumar Tewari, AOR

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

Leave granted

The appeals are allowed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
 COURT MASTER (SH)

(VIRENDER SINGH)
 BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)