



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO 4160 OF 2024
(Arising out of SLP (Crl.) No. 7480 of 2024)

Om Prakash Singh

... Appellant

Versus

Union of India

... Respondent

ORDER

- 1 Leave granted.
- 2 This appeal is at the instance of a convict-accused for the offence punishable under the Narcotic Drugs and Psychotropics Substances Act (NDPS Act) and is directed against the order passed by the High Court of Judicature at Patna dated 5th October, 2024 in Criminal Appeal (SJ) No. 3753 of 2022 by which the High Court declined to suspend the substantive order of sentence of ten years' rigorous imprisonment as imposed by the Trial Court pending the final disposal of the Criminal Appeal.
- 3 It appears from the materials on record that the appellant herein along with the co-accused was put to trial for the offence punishable under Section 20(b)(ii)(c) of the NDPS Act. It is the case of the prosecution that at the relevant point of time, the appellant herein was driving the truck in which the contraband was clandestinely concealed and the co-accused was the cleaner in the truck. The truck was intercepted and the appellant herein and co-accused were found to be in conscious possession of 468 kgs of Ganja.
- 4 At the end of the trial, the Trial Court held the appellant herein guilty of the

alleged offence and sentenced him to undergo ten years of rigorous imprisonment with fine.

5 The criminal appeal filed by the appellant herein against the judgment of conviction passed by the Trial Court is pending before the High Court. The appeal is of the year 2022. We take notice of the fact that out of ten years of rigorous imprisonment, the appellant has undergone six years two months and ten days of imprisonment as on date.

6 We do not undermine the seriousness of the alleged crime. However, the only concern that we can express today is that the appeal being of the year 2022, may not be taken up for hearing in near future. The appellant may have many things to argue in the criminal appeal. It should not happen that by the time the appeal is taken up for hearing, the appellant serves out the entire sentence of ten years.

7 In such circumstances referred to above, we allow this appeal and set aside the order of the High Court.

8 The appellant is ordered to be released on bail subject to the terms and conditions as may be imposed by the Trial Court pending his criminal appeal (SJ) No. 3753 of 2022.

9 Pending applications, if any, stand disposed of.

.....J.
[J B Pardiwala]

.....J.
[Manoj Misra]

New Delhi;
October 04, 2024
GKA

ITEM NO.38

COURT NO.10

SECTION II-A

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 (CrI.) No(s). 7480/2024
(Arising out of impugned final judgment and order dated 05-10-2023
in CRLSJ No.3753/2022 passed by the High Court of Judicature at
Patna)

OM PRAKASH SINGH

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 109625/2024 - EXEMPTION FROM FILING O.T.)

Date : 04-10-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Prithvi Pal, AOR

For Respondent(s) Mr. S.D. Sanjay, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Seema Bengani, Adv.
Mr. Alankar Gupta, Adv.
Ms. Sweksha, Adv.
Ms. Shweta Garg, Adv.
Mr. Jagdish Chandra, Adv.

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 The appellant is ordered to be released on bail subject to the terms and conditions as may be imposed by the Trial Court pending his criminal appeal (SJ) No. 3753 of 2022.
- 4 Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)