

**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPEAL NO 2210 OF 2023**  
**(Arising out of SLP (Crl) No 1596 of 2023)**

**Union of India**

**... Appellant**

**Versus**

**Sanjee Kumar Singh**

**... Respondent**

**WITH**

**CRIMINAL APPEAL NO 2211 OF 2023**  
**(Arising out of SLP (Crl) No 5725 of 2023)**

**ORDER**

**SLP (CRL) NO 1596 OF 2023**

- 1 Leave granted.
- 2 The Single Judge of the High Court of Judicature at Allahabad allowed the application for bail (Criminal Miscellaneous Bail Application No 10677 of 2022), by the impugned order dated 27 July 2022.
- 3 The order has been called into question by the Union of India through the Narcotics Control Bureau, Lucknow.
- 4 The High court has set out the rival submissions of the applicant for bail and of the Narcotics Control Bureau and proceeded to grant bail on the basis of the following reasoning :

“Considering the facts of the case and keeping in mind the arguments advanced on behalf of the parties, the ratio of the Apex Court's judgment in the case of Union of India vs. Shiv Shankar Keshari, (2007) 7 SCC 798, larger mandate of Article 21 of the constitution of India, the nature of accusations; the nature of evidence in support thereof, the severity of punishment which conviction will entail, the character of the accused applicant, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interest of the public/State and other circumstances; but without expressing any opinion on the merits, I am of the view that it is a fit case for grant of bail.”

- 5 *Ex facie*, the above extract indicates that the High Court has not applied its mind to relevant considerations including the nature of the recovery and the impact of Section 37 of the Narcotic Drugs and Psychotropic Substances Act.
- 6 Despite service of notice, none appears on behalf of the appellant.
- 7 We set aside the impugned order of the High Court, in the absence of adequate reasons being indicated in the impugned judgment. We restore Criminal Miscellaneous Bail Application No 10677 of 2022 to the file of the High Court for disposal afresh.
- 8 The appeal is accordingly allowed.
- 9 Pending applications, if any, stand disposed of.

**SLP (CRL) NO 5725 OF 2023**

- 1 Leave granted.
- 2 The Single Judge of the High Court of Judicature at Allahabad allowed the

application for bail (Criminal Miscellaneous Bail Application No 3673 of 2022), by the impugned order dated 1 August 2022.

3 The order has been called into question by the Union of India through the Narcotics Control Bureau, Lucknow.

4 The High court has set out the rival submissions of the applicant for bail and of the Narcotics Control Bureau and proceeded to grant bail on the basis of the following reasoning :

“Having considered the submissions of the parties noted above, larger mandate of the Article 21 of the Constitution of India, dictum of Apex Court in the case of Satendra Kumar Antil Vs C.B.I. & Another, passed in S.L.P. (Crl.) No. 5191 of 2021, and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions .....

5 *Ex facie*, the above extract indicates that the High Court has not applied its mind to relevant considerations including the nature of the recovery and the impact of Section 37 of the Narcotic Drugs and Psychotropic Substances Act.

6 Despite service of notice, none appears on behalf of the appellant.

7 We set aside the impugned order of the High Court, in the absence of adequate reasons being indicated in the impugned judgment. We restore Criminal Miscellaneous Bail Application No 3673 of 2022 to the file of the High Court for disposal afresh.

8 The appeal is accordingly allowed.

9 Pending applications, if any, stand disposed of.

.....CJI.  
[Dr Dhananjaya Y Chandrachud]

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

.....J.  
[Manoj Misra]

**New Delhi;**  
**July 31, 2023**  
GKA

ITEM NO.19

COURT NO.1

SECTION II

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 (Crl.) No(s). 1596/2023

(Arising out of impugned final judgment and order dated 27-07-2022 in CRMBA No.10677/2022 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

UNION OF INDIA

Petitioner(s)

VERSUS

SANJEE KUMAR SINGH

Respondent(s)

(IA No. 10859/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(Crl) No. 5725/2023 (II)

(IA No. 73067/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 31-07-2023 These matters were called on for hearing today.

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

For Petitioner(s) Mr. K M Nataraj, A.S.G.  
Mr. V Balaji, Adv.  
Mr. Shailesh Madiyal, Adv.  
Mr. Sharath Nambiar, Adv.  
Ms. Seema Bengani, Adv.  
Ms. Manjula Gupta, Adv.  
Mr. Arvind Kumar Sharma, AOR

**For Respondent(s)**

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

**SLP (CRL) NO 1596 OF 2023**

- 1 Leave granted.
- 2 The Appeal is allowed in terms of the signed order.
- 3 Pending applications, if any, stand disposed of

**SLP (CRL) NO 5725 OF 2023**

- 4 Leave granted.
- 5 The Appeal is allowed in terms of the signed order.
- 6 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)**