

Dheeraj Kumar Shukla vs The State Of Uttar Pradesh on 25 January, 2023

Bench: Surya Kant, J.K. Maheshwari

ITEM NO.12

COURT NO.9

SECTION II

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (Crl.) No(s).6690/2022

(Arising out of impugned final judgment and order dated 30-05-2022
in CRMB No.45253/2021 passed by the High Court of Judicature at
Allahabad)

DHEERAJ KUMAR SHUKLA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(FOR ADMISSION and I.R. and IA No.94136/2022-EXEMPTION FROM FILING
O.T...
IA No. 94136/2022 - EXEMPTION FROM FILING O.T.)

Date : 25-01-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s)

Mr. Manish Tiwari, Adv.
Ms. Urvi Kuthiala Adv.
Mr. Rahul Tomar, Adv.
Mr. Indra Lal, Adv.
For M/S. Ace Legal , AOR

For Respondent(s)

Mrs. Garima Prashad, Sr. A.A.G.
Mr. Adarsh Upadhyay, AOR
Mr. Aman Pathak, Adv.

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

1. The petitioner seeks enlargement on regular bail in FIR No.325/2020, dated 23.06.2020, under Sections 8 and 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act') registered at Police Station Jhunsi, District Prayagraj, Uttar Pradesh.

2. The allegations are that on a secret information, the police authorities intercepted two vehicles on 23.06.2020 i.e. one 'Gray' coloured 'Honda City' Car and the second 'White' coloured 'Swift Dzire' Car. On an interrogation at the spot, Praveen Maurya @ Puneet Maurya, Rishab Kumar Maurya and Dheeraj Kumar Shukla were found to be occupants of the 'Honda City' Car whereas the petitioner was driving the 'Swift Dzire' Car. On taking a search, more than 92 kgs. Ganja was allegedly recovered from 'Honda City' Car whereas more than 65 kgs. Ganja was recovered from 'Swift Dzire' Car. The accused were arrested at the spot. The petitioner is, thus, in custody since 24.06.2020.
3. It appears that some of the occupants of the 'Honda City' Car including Praveen Maurya @ Puneet Maurya have since been released on regular bail. It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.
4. For the reasons stated above but without expressing any views on the merits of the case, the petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of the Trial Court.
5. It is made clear that in addition to the conditions that may be imposed by the Trial Court, the petitioner shall be required to appear before the Trial Court on every date of hearing. In case the petitioner is found to be involved in future in any other similar case, the respondent – State shall be at liberty to seek cancellation of bail granted to him by this Court.
6. The Special Leave Petition stands disposed in the above terms.
7. As a result, pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)