

# Sheru vs Narcotics Control Bureau on 11 September, 2020

**Bench: Sanjay Kishan Kaul, Aniruddha Bose, Krishna Murari**

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IN THE SUPRME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL Nos.585-586 OF 2020  
(Arising out of SLP(Criminal)Nos.2249-2250 of 2020)

SHERU

... APPELLANT(S)

VERSUS

NARCOTICS CONTROL BUREAU

... RESPONDENT(S)

O R D E R

Leave granted.

We have heard learned counsel for the parties. The submission of the learned senior counsel for the appellant, inter alia, is that he has been in custody for almost eight years and despite the directions of this Court to treat the case at priority, at present the case is not reached for hearing.

On the other hand, the learned Additional Solicitor General for the respondent contends that the normal principle of a large period having already been served during the pendency of the appeal cannot be a ground to suspend the sentence and grant bail, in view of the stringent provisions of Section 37 of the NDPS Act. In this behalf, he has invited our attention to judgment of this Court in the case of Union of India v. Rattan Mallik @ Habul - (2009) 2 SCC 624.

We have given a thought to the matter and there is Date: 2020.09.11 no doubt that the rigors of Section 37 would have to be met before the sentence of a convict is suspended and bail granted and mere passage of time cannot be a reason for the same. However, we are faced with unusual times where the Covid situation permeates. We are also conscious that this Court has passed orders for release of persons on bail to de-congest the jail but that but that is applicable to cases of upto seven years sentence. In the given aforesaid facts and circumstances of the case, we consider it appropriate to enlarge the appellant on bail on terms and conditions to the satisfaction of the Trial Court.

At the insistence of the learned Additional Solicitor General, we clarify that the order has been passed in the given facts of the case and not to be treated as a precedent.

The appeals stand disposed of.

.....J. (SANJAY KISHAN KAUL) .....J. (ANIRUDDHA BOSE) .....J.  
(KRISHNA MURARI) New Delhi;

September 11, 2020.

ITEM NO.13 Court 6 (Video Conferencing) 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 (Crl.) Nos.2249-2250/2020  
(Arising out of impugned final judgment and orders dated 22-04-2019 in IA No. 742/2019 and  
dated 29-07-2019 in IA No. 6065/2015 passed by the High Court of M.P. Bench at Indore) SHERU  
Petitioner(s) VERSUS NARCOTICS CONTROL BUREAU Respondent(s) Date : 11-09-2020 These  
petitions were called on for hearing today. CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL HON'BLE MR. JUSTICE  
ANIRUDDHA BOSE HON'BLE MR. JUSTICE KRISHNA MURARI For Petitioner(s)  
Mr. N.K.Mody, Sr.Adv.

Mr. M. P. Shorawala, AOR For Respondent(s) Mr. S.V.Raju, ASG Mr. B.V.Balaram  
Das, AOR Mr. Manan Poori, Adv.

Mr. Rajiv Ranjan, Adv.

UPON hearing the counsel the Court made the following O R D E R Leave granted.

The appeals stand disposed of in terms of the signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL) (ANITA RANI AHUJA) AR-CUM-PS ASSISTANT REGISTRAR  
[Signed order is placed on the file]