

The State Of Jharkhand vs Sunny Kumar @ Sunny Kumar Sao on 3 February, 2025

Author: Bela M. Trivedi

Bench: Bela M. Trivedi

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2025 INSC 153

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. OF 2025
(Arising out of SLP(Criminal) No. 1953/2024)

THE STATE OF JHARKHAND

VERSUS

SUNNY KUMAR @ SUNNY KUMAR SAO

J U D G M E N T

1. Leave granted.

2. The present appeal is directed against the impugned judgment and order dated 24.11.2022, passed by the High Court of Jharkhand at Ranchi in B.A.No. 9276 of 2022, whereby the High Court had allowed the said application filed by the respondent-accused seeking bail in connection with Case No. 231 of 2022, registered at Police Station- Sadar, District- Chatra, Jharkhand for the offence punishable under Section-18 of the Narcotic Drugs and Psychotropic Substances Act (for short 'the NDPS Act').

3. It is sought to be submitted by the learned counsel appearing for the appellant-State that after the release of the respondent-accused on bail, vide the impugned order dated 24.11.2022 passed by the High Court, the respondent- Reason: accused was involved in another case under the NDPS Act, and was also arrested for the same on 12.07.2023. He also submitted that the trial in respect of the present appeal, has already commenced and only three witnesses have remained to be examined.

4. However, the learned counsel appearing for the respondent-accused submitted that the recovery of the alleged contraband was not of commercial quantity and it was only of an intermediate quantity, and therefore, the rigors of Section-37 would not be applicable to the instant case. She also

submitted that the appellant-State has challenged the very order granting the respondent- accused bail, and it is not a case of cancellation of bail on the ground of breach of any of the bail conditions. She has conceded that at present, the respondent-accused is under arrest in connection with other offence punishable under the NDPS Act, registered after the present one.

5. Having regard to the submissions made by the learned counsels for the parties and to the nature of the offence as also the fact that the respondent-accused has been arrested in a similar offence under the NDPS Act, we deem it appropriate to set aside the impugned order passed by the High Court.

6. Accordingly, the impugned order dated 24.11.2022, passed by the High Court of Jharkhand, is set aside. The respondent-accused is directed to be taken into custody in connection with Case No. 231 of 2022, registered at Police Station-Sadar, District-Chatra, Jharkhand. However, the Trial Court is directed to expedite the trial and conclude the same in accordance with law, preferably within four months from the date of receipt of a copy of this judgment.

7. Accordingly, the appeal is allowed.

8. Pending application(s), if any, shall stand closed.

.....J. (BELA M. TRIVEDI)J. (PRASANNA B. VARALE) New Delhi 03rd February, 2025 ITEM NO.30 COURT NO.9 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.) No(s). 1953/2024 [Arising out of impugned final judgment and order dated 24-11-2022 in BA No. 9276/2022 passed by the High Court of Jharkhand at Ranchi] THE STATE OF JHARKHAND Petitioner(s) VERSUS SUNNY KUMAR @ SUNNY KUMAR SAO Respondent(s) IA No. 245346/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 26402/2024 - EXEMPTION FROM FILING O.T. IA No. 245347/2023 - EXEMPTION FROM FILING O.T. IA No. 26401/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES Date : 03-02-2025 This matter was called on for hearing today. CORAM :

HON'BLE MS. JUSTICE BELA M. TRIVEDI HON'BLE MR. JUSTICE PRASANNA B. VARALE For Petitioner(s) :

Mr. Farrukh Rasheed, Adv. Ms. Tulika Mukherjee, AOR For Respondent(s) :

Ms. Vrinda Bhandari, AOR Ms. Pragya Barsaiyan, 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 reportable judgment.
3. Pending application(s), if any, shall stand closed.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(MAMTA RAWAT)
COURT MASTER (NSH)

(signed reportable judgment is placed on the file)