

The State of Jharkhand
v.
Sunny Kumar @ Sunny Kumar Sao

(Criminal Appeal No. 538 of 2025)

03 February 2025

[Bela M. Trivedi and Prasanna B. Varale, JJ.]

Issue for Consideration

Matter pertains to the correctness of the order passed by the High Court granting bail to the accused in a case registered for offence punishable u/s.18 of the NDPS Act, and when subsequently he was involved in another case of the same nature.

Headnotes[†]

Narcotic Drugs and Psychotropic Substances Act, 1985 – s.18 – Bail – High Court granted bail to the accused in a case registered for offence punishable u/s.18 – Subsequently, accused involved in another case under NDPS Act and also arrested for the same, and trial had already commenced:

Held: Having regard to the nature of the offence as also the fact that the accused has been arrested in a similar offence under the NDPS Act, it is appropriate to set aside the impugned order passed by the High Court – Impugned order set aside – Accused to be taken into custody and trial court to expedite the trial. [Paras 5, 6]

List of Acts

Narcotic Drugs and Psychotropic Substances Act, 1985.

List of Keywords

Bail; Arrest; Accused involved in another case while on bail; Arrest for similar offence.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 538 of 2025

From the Judgment and Order dated 24.11.2022 of the High Court of Jharkhand at Ranchi in BA No. 9276 of 2022

Supreme Court Reports**Appearances for Parties**

Advs. for the Appellant:

Farrukh Rasheed, Ms. Tulika Mukherjee.

Advs. for the Respondent:

Ms. Vrinda Bhandari, Ms. Pragya Barsaiyan.

Judgment / Order of the Supreme Court**Judgment**

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-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.

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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.

Result of the case: Appeal allowed.

†Headnotes prepared by: Nidhi Jain