

ITEM NO.50

COURT NO.4

SECTION IIA

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). 6213/2016  
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 21/04/2016  
IN MCRC NO. 2829/2016 PASSED BY THE HIGH COURT OF M.P AT INDORE)

VIJAY

PETITIONER(S)

VERSUS

STATE OF MP THROUGH SHO POLICE STATION  
CRIME BRANCH INDORE (MP)  
(WITH INTERIM RELIEF AND OFFICE REPORT)

RESPONDENT(S)

Date : 05/01/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. Amit Lahoti, Adv.  
Mr. D.S. Parmar, Adv.  
Ms. Sujeeta Srivastava, Adv.  
Mr. Susheel Tomar, Adv.  
Ms. Abha R. Sharma, Adv.

For Respondent(s)

Mr. Purushaindra Kaurav, AAG  
Mr. Mishra Saurabh, Adv.  
Ms. Anuradha Mishra, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed  
order.

[VINOD LAKHINA]  
COURT MASTER

[ASHA SONI]  
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO.27 OF 2017  
[Arising out of Special Leave Petition  
(Criminal) No.6213/2016]

VIJAY . . . APPELLANT

VERSUS

STATE OF MP THROUGH SHO POLICE  
STATION CRIME BRANCH  
INDORE (MP) . . . RESPONDENT

ORDER

1. Leave granted.
  
2. The refusal of bail by the High Court is the subject matter of challenge in this appeal.
  
3. We have considered the facts of the case. Though the contraband [60kg. of Ganja (approx.)] comes within the ambit of a commercial quantity, the said fact has to

be balanced with the period of custody suffered by the accused appellant i.e. from July, 2015. The trial has not yet commenced. In fact, even the charge(s) has not been framed against all the accused. The accused appellant was the owner of the vehicle. The co-accused who has been arrested on the basis of the memorandum under Section 27 of the Evidence Act has already been released on bail. Taking into account the totality of the aforesaid facts, we are of the view that the accused appellant should be admitted to bail. We order accordingly. Therefore, the appellant is ordered to be released on bail to the satisfaction of the learned trial Court in connection with Crime Case No.11/2015 registered with PS Crime Branch, Indore.

4. The learned trial Court is free to impose appropriate condition(s) as it deems fit.

5. Consequently, the order of the High Court is set aside and the present appeal is disposed of in the above terms.

....., J.  
(RANJAN GOGOI)

....., J.  
(ASHOK BHUSHAN)

NEW DELHI  
JANUARY 05, 2017