

ITEM NO.21                      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.) No.6677/2020**

**(Arising out of impugned final judgment and order dated 30-09-2020 in IA No.1/2020 passed by the High Court of Judicature at Patna)**

**MD. KHALIK**

**Petitioner(s)**

**VERSUS**

**UNION OF INDIA**

**Respondent(s)**

**(With appln.(s) for I.R. and IA No.133775/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.133777/2020-EXEMPTION FROM FILING O.T.)**

**Date : 05-02-2021 This petition was called on for hearing today.**

**CORAM :**

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD**  
**HON'BLE MR. JUSTICE M.R. SHAH**

**For Petitioner(s)    Mr. Shail Kumar Dwivedi, Adv.**  
**Mr. Amit Gupta, Adv.**  
**Mr. Gunnam Venkateswara Rao, AOR**

**For Respondent(s)**

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

- 1    The application filed by the petitioner for suspension of the sentence under Section 389(1) of the Code of Criminal Procedure 1973 has been dismissed by the High Court. The petitioner has been convicted of an offence under Section 21(C), 27(A) and 29 of the NDPS Act and sentenced to suffer imprisonment of 12 years.

- 2 Mr Shail Kumar Dwivedi, learned counsel appearing on behalf of the petitioner submits that the petitioner has undergone nearly seven years' imprisonment. Moreover, it has been submitted that by the order of the High Court dated 21 April 2017, liberty was granted to the petitioner to apply for bail if the appeal was not heard within a period of one year. Learned counsel submits that the appeal has still not been heard and the High Court at present is hearing appeals of 2010-2011.
- 3 The charge against the petitioner, which has been found to be proved, arose out of the alleged recovery of 650 grams of heroin. This is a commercial quantity. Having regard to this aspect and all the facts and circumstances of the case, we find no reason to exercise the jurisdiction under Article 136 of the Constitution. The Special Leave Petition is dismissed.
4. In view of the sentence which has been undergone, we request the High Court to take up the criminal appeal filed by the petitioner and to dispose it of by 31 December 2021. This is conditional on the petitioner placing a certified copy of the order of this Court before the Registrar (Judicial) of the Patna High Court for seeking necessary administrative directions as to listing. In the event that the High Court is not able to dispose of the appeal by the time limit which has been specified above, the petitioner shall be at liberty to apply for bail, in which event, the application shall be disposed of expeditiously. Learned counsel appearing on behalf of the petitioner submits that the petitioner shall not apply for adjournment and cooperate with the High Court in the expeditious disposal of the appeal upon it being listed.
- 5 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
**A.R. -cum-P.S.**

**(SAROJ KUMARI GAUR)**  
**Court Master**