

ITEM NO.25

VIRTUAL COURT NO.2

SECTION II

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 for Special Leave to Appeal (Cr1.) No.6740/2019

(Arising out of impugned final judgment and order dated 25-05-2018 in CRMA No.3066/2018 passed by the High Court Of Judicature At Allahabad)

UNION OF INDIA & ANR.

Petitioner(s)

VERSUS

HASIBUR RAHMAN

Respondent(s)

(IA No.106873/2019 - FOR EXEMPTION FROM FILING O.T; and, IA No.106874/2019 - FOR PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

Diary No.6427/2020 (II)

(FOR ADMISSION and I.R.; IA No.44846/2020 - FOR CONDONATION OF DELAY IN FILING; and, IA No.44848/2020 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 05-06-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Ms. Aishwarya Bhati, Sr. Adv.
Ms. Suhasini Sen, Adv.
Ms. Deepanwita Priyanka, Adv.
Mr. Sanjay Kumar Tyagi, Adv.
Mr. B. Krishna Prasad, AOR

For Respondent(s) Mr. Deepak Kumar Singh, Adv.
Mr. Naresh Kumar, AOR

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

The order presently under appeal in SLP (Cr1.) No.6740 of 2019 was passed on 25.05.2018 by which the respondent, accused of having committed the offence punishable under Section 8 read with Section

22 of the NDPS Act was directed to be released on bail, subject to the following conditions:

- "1. The applicant will not hamper with the evidence during the trial.
2. The applicant will not pressurize/intimidate the prosecution witness.
3. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
4. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected of the commission of which he is suspected.
5. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court."

Though the High Court has passed the order releasing the respondent on bail without opining *prima facie* whether the respondent was not guilty of the offence for which he was charged, at this length of time, we do not deem it appropriate to interfere in the matter.

Ms. Aishwarya Bhati, learned senior advocate appearing for the petitioners submitted that out of five witnesses to be examined on behalf of the prosecution, the first witness is presently being examined.

In the circumstances, we pass the following directions:

- (a) The trial shall be completed as early as possible and preferably within four months from the receipt of this order by the concerned Court;
- (b) The respondent shall appear in person on every single date when the trial is conducted; and
- (c) Even a single default in his appearance shall entail in cancellation of the facility of bail granted pursuant to the order presently under appeal. This shall be treated as one of the conditions of order releasing the respondent on bail.

Needless to say that the other conditions imposed by the High Court shall be strictly observed.

The special leave petition is disposed of in aforesaid terms. Pending application(s), if any, also stand disposed of.

SLP (Cr1.) Diary No.6427 of 2020

Delay condoned.

The special leave petition is disposed of in terms of our order passed today in SLP (Cr1.) No.6740 of 2019.

Pending application(s), if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER

(PRADEEP KUMAR)
BRANCH OFFICER