

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.694 OF 2020  
(Arising out of SLP (Cr1.) No.5176 of 2020  
arising out of Diary No.7075 of 2020)**

**UNION OF INDIA**

**Appellant**

**VERSUS**

**BILLU PAL**

**Respondent**

**O R D E R**

Delay condoned.

Leave granted.

This appeal challenges the judgment and final order dated 01.03.2019 passed by the High Court of Judicature at Allahabad allowing Criminal Miscellaneous Bail Application No.14708 of 2018 and releasing the respondent on bail in connection with offences punishable under the provisions of the Narcotic Drugs & Psychotropic Substances Act, 1985 ("the Act", for short).

A truck having 690 kg. of "Ganja" was apprehended and the respondent was stated to be driving the vehicle. His statement under Section 67 of the Act was recorded. The application for bail having been rejected by the Trial Court, aforesaid Criminal Miscellaneous Bail Application was preferred in the High Court.

After noting the facts and circumstances on record, the High Court observed as under:

"Considering the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tempering of the witnesses and *prima facie* satisfaction of the Court in support of the charge and reformatory theory of punishment, and also considering the submissions advanced by learned counsel for the parties, larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of *Dataram Singh v. State of U.P. and Another*, reported in (2018) 3 SCC 22, the applicant is entitled to be released on bail.

Without expressing any opinion on the merits of the case, let the applicant Billu Pal involved in Departmental Case No.1 of 2017, under Sections 8/20 of N.D.P.S. Act, 1985, Police Station D.R.I., District Gorakhpur be released on bail on his furnishing a personal bond with two heavy sureties each in the like amount to the satisfaction of Court concerned ...."

Heard Mr. K.M. Nataraj, learned ASG for the appellant and Mr. Satya Kam Sharma, learned Advocate for the respondent.

Considering the facts and circumstances on record, especially the statement of the respondent recorded under Section 67 of the Act, in our view, no case for bail was made out.

We, therefore, allow this appeal, set-aside the order of the High Court and reject the application for bail preferred by the respondent. The respondent shall surrender himself before the Trial Court within fifteen days from today, failing which he shall be taken in custody.

We have been apprised that the examination-in-chief of the first witness has been completed and his cross-

examination is presently going on.

Since the trial has begun, we direct the Trial Court to conclude the trial as early as possible and preferably within nine months from receipt of the copy of this order.

There was 266 days' delay in initiating the present proceedings. Considering the delay, while issuing notice, the appellant was directed to deposit Rs.25000/- towards the costs of the respondent. The money so deposited shall now be made over to the respondent through his learned counsel. Let a Demand Draft of the aforesaid amount be drawn by the Registry and be handed over to the learned counsel for the respondent.

Copy of this order shall be sent to the Trial Court, jurisdictional Chief Judicial Magistrate as well as the concerned Police Station for compliance.

The appeal is allowed in aforesaid terms.

.....J.  
[UDAY UMESH LALIT]

.....J.  
[VINEET SARAN]

.....J.  
[S. RAVINDRA BHAT]

NEW DELHI;  
OCTOBER 26, 2020.

ITEM NO.12

COURT NO.4  
(HEARING THROUGH VIDEO CONFERENCING)

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No.7075/2020

(Arising out of impugned final judgment and order dated 01-03-2019 in CRMA No.14708/2018 passed by the High Court Of Judicature At Allahabad)

UNION OF INDIA

Petitioner(s)

VERSUS

BILLU PAL

Respondent(s)

(IA No.46301/2020 - FOR CONDONATION OF DELAY IN FILING; and, IA No.46302/2020 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 26-10-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE VINEET SARAN  
HON'BLE MR. JUSTICE S. RAVINDRA BHATFor Petitioner(s) Mr. K.M. Nataraj, ASG  
Ms. Suhasini Sen, Adv.  
Mr. B. Krishna Prasad, AORFor Respondent(s) Mr. Satya Kam Sharma, Adv.  
Mr. Satyajit A. Desai, Adv.  
Ms. Anagha S. Desai, AORUPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

Leave granted.

The appeal is allowed, in terms of the Signed Order.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)  
COURT MASTER(PRADEEP KUMAR)  
BRANCH OFFICER

(Signed Order is placed on the File)