

[2026 LiveLaw \(SC\) 99](#)

IN THE SUPREME COURT OF INDIA

J.B. PARDIWALA; J., K.V. VISWANATHAN; J.

Petition for Special Leave to Appeal (Crl.) No.439/2026; 28-01-2026

CHINTAN RAJUBHAI PANSERIYA versus THE STATE OF MAHARASHTRA

Narcotic Drugs and Psychotropic Substances Act, 1985 — Sections 8(b), 22(c), 25, 27-A, and 29 — Grant of Bail — Prolonged Incarceration vs. Seriousness of Offence — Prosecution's Intention to Examine 159 Witnesses — The petitioner was arrested on March 29, 2022, in connection with the recovery of approximately 2428 Kilograms of Mephedrone - Despite the seriousness of the crime, Supreme Court noted that the petitioner remained in judicial custody as an undertrial prisoner for over 3 years and 6 months - the charge was only framed on January 16, 2026, after the Court's previous intervention.

Trial Delay and Witness Management — Noted that the prosecution expressed intent to examine 159 witnesses - noted that even examining 50% of these witnesses would take a "pretty long time" and questioned the necessity of multiplying witnesses on the same issues – noted that the prosecution should focus on important witnesses to establish its case rather than prolonging the trial - While acknowledging the gravity of the NDPS charges, exercised its discretion in favor of the petitioner due to the overall delay and the age of pending cases in the Trial Court - Bail granted subject to terms imposed by the Trial Court and specific conditions including a travel restriction to Ankleshwar, Gujarat, and surrender of passport. [Paras 5-11]

[Arising out of impugned final judgment and order dated 13-11-2025 in BA No. 1392/2025 passed by the High Court of Judicature at Bombay]

For Petitioner(s): Mr. Rizwan Merchant, Adv., Mrs. Yugandhara Pawar Jha, AOR Mr. Kunal Verma, Adv., Ms. Uma Nemlekar, Adv., Mr. Faisal F.shaikh, Adv., Mr. Omar Shah, Adv., Ms. Swati Mishra, Adv., Ms. Yasha Goyal, Adv.

For Respondent(s): Ms. Rukhmini Bobde, Adv., Mr. Siddharth Dharmadhikari, Adv., Mr. Aaditya Aniruddha Pande, AOR Mr. Shrirang B. Varma, Adv., Mr. Amlaan Kumar, Adv., Mr. Jatin Dhamija, Adv., Mr. Vinayak Aren, Adv.,

ORDER

1. Exemption Application is allowed.
2. Our Order dated 13-1-2026 reads thus: -
 - “1. Heard Mr. Rizwan Merchant, the learned counsel appearing for the petitioner, and Ms. Rukmini Bobde, the learned counsel appearing for the State of Maharashtra.
 2. The petitioner has been arrested in connection with FIR No. 25 of 2022 dated 29.03.2022 registered with the Anti Narcotic Cell (ANC), Worli Unit, Mumbai for the offence punishable under Sections 8(b), 22(c), 25, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985, respectively (for short the “NDPS Act”).
 3. The contraband involved in the present case is Mephedrone. The quantity involved, as per the case of the prosecution, is around 2428 Kilograms.
 4. We take notice of the fact that the petitioner is in judicial custody as an under-trial prisoner past almost 3½ years. Till this date, even charge has not been framed by the NDPS Court.
 5. The learned counsel further submitted that some of the co-accused have been released on bail.

6. He also brought to our notice that the prosecution intends to examine as many as 159 witnesses.
7. Issue notice returnable on 28.01.2026.
8. The learned counsel appearing for the State of Maharashtra waives formal service of notice for and on behalf of the respondent-State.
9. The learned counsel appearing for the State shall take instructions, as to why, till this date, even charge has not been framed.”
3. We heard Mr. Rizwan Merchant, the learned counsel appearing for the petitioner and Ms. Rukhmini Bobde, the learned counsel appearing for the State of Maharashtra.
4. It appears that on 16-1-2026, charge came to be framed. The matter is now kept on 30-1-2026 for the purpose of compliance with the provision of Section 294 of the Code of Criminal Procedure, 1973.
5. We do not undermine the seriousness of the alleged crime. We are mindful of the fact that the prosecution is for the offence punishable under Narcotic Drugs and Psychotropic Substances, Act, 1985. At the same time, we should not overlook the fact that the petitioner is in judicial custody as an under-trial prisoner past 3 years and 6 months and prosecution intends to examine as many as 159 witnesses. Examination of 159 witnesses or even 50% of the same is going to take a pretty long time. At times, we wonder why prosecution wants to examine so many witnesses and thereby prolong the trial and delay the same. We have observed in number of orders that the prosecution should examine important witnesses and try to establish its case. There is no point in multiplying the witnesses on one and the same issue.
6. Be that as it may, since the Special Public Prosecutor could be said to be the In-charge of the trial, we have to leave it to his better discretion.
7. The learned counsel appearing for the petitioner has manifold contentions to raise in so far as the merits of the case is concerned. However, we do not want to go into the merits of these contentions at this point of time.
8. The learned counsel appearing for the petitioner brought to our notice that there are cases almost 10 years old pending in the Trial Court as on date.
9. In the overall view of the matter, we have been persuaded to exercise our discretion in favour of the petitioner.
10. The petitioner is ordered to be released on bail, subject to terms and conditions that the Trial Court may deem fit to impose. However, if the prosecution wants a particular condition to be imposed to safeguard its interest, it shall be open for the Public Prosecutor, In-charge of the trial to request the Trial Court to impose such condition.
11. Apart from the conditions that the Trial Court may deem fit to impose, we on our own impose the condition that the petitioner shall not leave the town of Ankleshwar, State of Gujarat, except for the dates on attending the Trial Court in Mumbai on the fixed dates of hearing. The petitioner shall mark his presence on every Sunday at the Ankleshwar City Police Station. The petitioner shall surrender his Passport before the Trial court.
12. With the aforesaid, the Special Leave Petition stands disposed of.
13. Pending applications, if any, also stand disposed of.
14. Dasti permitted.