



ITEM NO.4

COURT NO.1

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(s). 10515/2019

(Arising out of impugned final judgment and order dated 11-07-2019 in CRA No. 46/1998 passed by the High Court Of M.p At Indore)

SABIR

Petitioner(s)

**VERSUS**

THE STATE OF MADHYA PRADESH & ANR.

Respondent(s)

(IA No. 77888/2021 - APPLICATION FOR TAKING ON RECORD IA No.166684/2019 - EXEMPTION FROM FILING O.T. IA No. 186039/2022 - GRANT OF BAIL IA No. 34574/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 10-02-2023 These matters were called on for hearing today.

**CORAM : HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA**  
**HON'BLE MR. JUSTICE J.B. PARDIWALA**

For Petitioner(s) Mr. Sushil Kumar Jain, Sr. Adv.  
Ms. Pratibha Jain, AOR

For Respondent(s) Mr. Vikramjeet Banerjee, A.S.G.  
Mr. Siddharth Sinha, Adv.  
Mr. Bharat Sood, Adv.  
Mr. Nachiketa Joshi, Adv.  
Mr. Arvind Kumar Sharma, AOR

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

- 1 Leave granted.
- 2 The appellant has been convicted of an offence punishable under Sections 8/18 of the Narcotics Drugs and Psychotropic Substances Act 1985 and sentenced to

suffer rigorous imprisonment of ten years together with a fine of Rupees one lakh.

- 3 This Court has issued notice on 16 November 2020.
- 4 The custody certificate indicates that as on 9 November 2022, the appellant has undergone five years and two months of custody as an under trial prisoner and as a convict. Hence, as of date, he has undergone five years and six months. The appellant is sixty two years of age.
- 5 The appellant has urged, as recorded in the order dated 11 September 2020 and 16 November 2020, that the statements under Section 67 of the Narcotic Drugs and Psychotropic Substances Act 1985 could not be relied upon in view of the judgment in ***Tofan Singh Vs State of Tamily Nadu***<sup>1</sup>.
- 6 Since the appeal is likely to take some time for final hearing and the appellant has undergone over half the term of imprisonment, the appellant shall be released on bail subject to such terms and conditions as may be imposed by the Sessions Court in connection with Sessions Trial No 50 of 1996.

**(GULSHAN KUMAR ARORA)**  
AR-CUM-PS

**(SAROJ KUMARI GAUR)**  
ASSISTANT REGISTRAR

1 (2021) 4 SCC 1