



ITEM NO.4

COURT NO.7

SECTION II-A

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 (Crl.) No.439/2026

[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]

CHINTAN RAJUBHAI PANSERIYA

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(IA No. 6957/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 28-01-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

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.

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

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 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.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)