



IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
(arising out of SLP(Crl.) No. 20215 of 2025)

VINAY KUMAR GUPTA

APPELLANT(S)

VERSUS

STATE OF MADHYA PRADESH

RESPONDENT(S)

O R D E R

Leave granted.

The appellant, Vinay Kumar Gupta, is aggrieved by the denial of anticipatory bail by the High Court of Madhya Pradesh at Jabalpur, *vide* order dated 16.09.2025 passed in Misc. Criminal Case No. 37503/2025, in connection with Crime/First Information Report (FIR) No. 453/2025 dated 18.06.2025 registered with Police Station - Semariya, District - Rewa, Madhya Pradesh, for the offences

punishable under Sections 8, 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985¹ and Sections 13 and 5 of the Drugs (Control) Act, 1950.

The matter relates to seizure of 710 bottles of cough syrup. However, the appellant, Vinay Kumar Gupta, was not named in the Crime/FIR, though the car from which the contraband was seized belongs to him.

By order dated 15.12.2025, subject to the appellant, Vinay Kumar Gupta, joining and cooperating with the investigation in the aforesated Crime/FIR, he was granted protection from arrest.

Counter affidavit has now been filed by the State of Madhya Pradesh, wherein it is stated that, after the passing of the aforesated order dated 15.12.2025, the appellant joined the investigation on 02.02.2026 but it is the complaint of the State that he has not handed over his

1 “NDPS Act”, for short

mobile phone. It is for the State to complete the investigation in accordance with due procedure but, in that regard, it cannot insist upon the appellant incriminating himself. Cooperating with the investigation does not extend to violation of the Constitutional right against self-incrimination.

As the appellant, Vinay Kumar Gupta, has joined and is presently cooperating with the investigation, we find no grounds made out for custodial interrogation of the appellant at this stage. Subject to the appellant continuing to cooperate with the investigation, within the limitations prescribed by law, he is entitled to grant of relief.

The appeal is accordingly allowed, setting aside the impugned judgment/order dated 16.09.2025. It is directed that in the event the appellant, Vinay Kumar Gupta, is arrested in relation to the Crime/FIR in question, he shall be

released on bail forthwith on such terms and conditions as may be fixed by the trial Court.

The appellant shall also abide by the conditions stipulated in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

We clarify that we have not made any observations/comments on the merits of the case and any observation made in this order is meant only for the limited purpose of grant of anticipatory bail.

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

.....J.
(SANJAY KUMAR)

.....J.
(K. VINOD CHANDRAN)

NEW DELHI;
FEBRUARY 16, 2026.

ITEM NO.12

COURT NO.11

SECTION II-E

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No. 20215/2025

[Arising out of impugned final judgment and order dated 16-09-2025 in MCRC No. 37503/2025 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

VINAY KUMAR GUPTA

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

(IA No. 323312/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 323314/2025 - EXEMPTION FROM FILING O.T. and IA No. 323315/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 16-02-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. Tushar Giri, AOR
Mr. Sahil Bhalaik, Adv.
Mr. Siddharth Anil Khanna, Adv.
Mr. Ritik Arora, Adv.
Mr. Shivam Mishra, Adv.
Mr. Sewa Singh, Adv.

For Respondent(s) :

Mr. D.S. Parmar, A.A.G.
Ms. Mrinal Gopal Elker, AOR
Mr. Rajan K Chaurasia, Adv.
Mr. Saurabh Singh, Adv.
Mr. Aditya Chaudhary, Adv.
Ms. Silpi S. Swain, Adv.

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

Leave granted.

The appeal is allowed, setting aside the impugned judgment/order dated 16.09.2025, in terms of the signed order. It is directed that in the event the appellant, Vinay Kumar Gupta, is arrested in relation to Crime/First Information Report (FIR) No. 453/2025 dated 18.06.2025 registered with Police Station - Semariya, District - Rewa, Madhya Pradesh, for the offences punishable under Sections 8, 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 13 and 5 of the Drugs (Control) Act, 1950, he shall be released on bail forthwith on such terms and conditions as may be fixed by the trial Court.

The appellant shall also abide by the conditions stipulated in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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

**(DEEPAK GUGLANI)
AR-cum-PS
(signed order is placed on the file)**

**(PREETI SAXENA)
COURT MASTER (NSH)**