

2025 LiveLaw (SC) 1185

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
J K MAHESHWARI; J., VIJAY BISHNOI; J.**

Special Leave Petition (Crl) Diary No. 60194 of 2025; December 5, 2025

SHEIKH IRSHAD @ MONU versus STATE OF MAHARASHTRA

Criminal Procedure – Bail Cancellation – Ground of non-appearance before Police Station – Sustainability of cancellation when Trial is in progress – Supreme Court set aside a High Court order that had cancelled the appellant's bail solely due to non-compliance with a condition requiring appearance at the police station on the 1st and 16th of every month- Supreme Court observed that the appellant had already undergone custody for 1 year and 11 months prior to the initial grant of bail and was regularly appearing before the Trial Court- Supreme Court laid down key principles- i. Police Presence vs. Trial Attendance: Once a chargesheet has been filed and the case is committed to the Court of Sessions for trial, a condition requiring the accused to appear at a police station is *prima facie* not tenable if the accused is already appearing regularly before the Trial Court; ii. Reasonableness of Grounds: Cancellation of bail merely on the "pretext" of non-appearance at a police station, without evidence of the accused failing to attend trial proceedings, is not a correct approach or a valid ground for revoking liberty- Appeal allowed.

[Paras 7 - 9]

[Arising out of impugned final judgment and order dated 09-10-2025 in CRLA(APPLN) No. 71/2023 passed by the High Court of Judicature at Bombay at Nagpur]

For Petitioner(s): Ms. Sakshi Kakkar, AOR Mr. Shakti Singh, Adv. Mr. Mrigank Mishra, Adv.

For Respondent(s): Mr. Aaditya Aniruddha Pande, AOR Mr. Siddharth Dharmadhikari, Adv. Mr. Shrirang B. Varma, Adv. Mr. Bharat Bagla, Adv. Mr. Sourav Singh, Adv. Mr. Aditya Krishna, Adv. Mr. Adarsh Dubey, Adv. Ms. Chitransha Singh Sikarwar, Adv.

ORDER

- 1)** Delay in refiling is condoned.
- 2)** Leave granted.
- 3)** Mr. Aaditya Aniruddha Pande, Advocate on Record, accepts notice for the respondent-State.
- 4)** By the consent of the learned counsel appearing for both the parties, the case is finally heard today.
- 5)** Assailing the order dated 09.10.2025 passed by the High Court of Bombay, bench at Nagpur allowing Criminal Application (Appln.) No. 71 of 2023 preferred by the State, canceling the bail granted to the appellant by the High Court *vide* order dated 22.08.2022 in Criminal Application (BA) No. 626 of 2022, the accused has preferred the present appeal.
- 6)** The appellant is named as an accused in FIR No. 102 of 2020 registered with Police Station Gittkhadan, Nagpur, for the offences punishable under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Sections 3(1)(i)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.
- 7)** After hearing, we find that this is a case in which the seized contraband, i.e. ganja, is 2 kgs 728 grams which is the non-commercial (intermediate) quantity. The custody

period of the appellant was 01 year 11 months prior to the grant of bail. Merely on the pretext of non-appearance before the police station on the 1st and 16th of each month and noncompliance of the condition as contained in the order of grant of bail dated 22.08.2022 by the appellant-accused, the cancellation of bail is directed by the order impugned.

8) From record, we find that after filing chargesheet and on committal of the case to the Court of Sessions, it is pending for trial. As per the orders of the Trial Court, the appellant is appearing in Trial Court. In a situation wherein chargesheet has been filed and the trial is in progress, direction to appear in police station is *prima facie* not tenable. It is not a case in which the appellant is not appearing during trial before the Trial Court. However, cancellation of bail merely on the pretext of non-appearance in police station, may not be a correct approach and a good ground.

9) Accordingly, the order impugned passed by the High Court stands set aside. The appellant, if on bail, shall continue to be on bail and shall appear regularly before the Trial Court until exempted by the order of competent Court.

10) Accordingly, and in view of the foregoing, the appeal stands allowed.

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

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