

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1616 OF 2026
(Arising out of SLP (Crl.) No. 5881 of 2025)

UNION OF INDIA

APPELLANT(s)

VERSUS

THEMBOI @ THEMBOI SINGSON

RESPONDENT(s)

O R D E R

Heard learned counsel for the parties.

2. Leave granted.

3. The present appeal is directed against the order dated 03.10.2024, passed by the Gauhati High Court in Bail Application No. 2752 of 2024, by which the bail has been granted to the respondent.

4. The respondent along with others is accused in DRI Case NO. 16/CL/NDPS/HEROIN/DRI/GZU/2023-24 registered for the offence punishable under Sections 8(c)/21(c) /22(c)/23(c)/ 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the "NDPS Act")

5. The allegation against the accused was that they were part

of a cartel/gang which dealt in narcotics.

6. Learned counsel for the appellant submitted that the respondent was under incarceration for only one year and bail has been granted, which is improper. It was submitted that the recovery was of contraband worth more than Rs. 7,50,000,000/- (Rupees Seven Crores Fifty Lakhs). It was further contended that the call detail reports show multiple and constant talk between the respondent and the other co-accused. It was further contended that her bank statement discloses that substantial amounts have been transmitted by her in favour of the other co-accused within a few days.

7. Learned Counsel for the respondent submitted that she is a lady and was under custody for more than one year, having no criminal antecedents. It was further contended that she is a housewife.

8. At this juncture, when the Court made a query to the learned counsel for the respondent as to how a housewife could have such a huge amount to transfer it, and that too in favour of the co-accused, no satisfactory reply was forthcoming.

9. Learned counsel for the respondent further contended that such matters are to be decided during trial, but keeping the

respondent in custody would not serve the purpose of justice.

10. Having considered the matter in its entirety, we find that the order passed by the High Court cannot be sustained. At the outset, we indicate that the High Court has clearly misdirected itself while considering the prayer for bail of the respondent. It has completely lost sight of the fact that offences under NDPS Act, are increasing every day and the damage is caused to the society at large and not restricted between private individuals.

11. Further and more importantly, in the present case, when the call detail records of the respondent indicated that she was in regular telephonic contact with the other co-accused and the bank statement of her account also revealed that money in tranches, were transferred in favour of the other co-accused, the High Court ought to have been more conscious and sensitive to the fact that on an overall circumspection, a strong case had been made out against the respondent and then granting bail on her being custody for only one year was not proper.

12. For the reasons aforesaid, the appeal is allowed. The impugned order granting bail to the respondent is set aside. The respondent is directed to surrender before the Court below

within two weeks from today positively.

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

.....J.
(AHSANUDDIN AMANULLAH)

.....J.
(R. MAHADEVAN)

NEW DELHI
MARCH 25, 2026.

ITEM NO.1

COURT NO.13

SECTION II

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(s) for Special Leave to Appeal (Crl.) No(s). 5881/2025

[Arising out of impugned final judgment and order dated 03-10-2024 in BA No. 2752/2024 passed by the Gauhati High Court]

UNION OF INDIA

Petitioner(s)

VERSUS

THEMBOI @ THEMBOI SINGSON

Respondent(s)

Date : 25-03-2026 This petition was called for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :Mr. N.venkataraman, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. V C Bharathi, Adv.
Mr. Sarthak Karol, Adv.
Mr. Navin Kumar, Adv.
Mr. Shubhendu Anand, Adv.
Mr. Raman Yadav, Adv.

For Respondent(s) :Mr. F. I. Choudhury, AOR
Mr. David Choudhury, Adv.
Md. Noor Alam, Adv.

O R D E R

Leave granted.

2. Criminal Appeal stands allowed in terms of the signed order placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR