

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL No. /2026
[@ SPECIAL LEAVE PETITION (CRL.) NO.7562/2026]

ANIL KUMAR GUPTA

Appellant(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. This appeal arises from an order of the High Court of Punjab & Haryana at Chandigarh dated 06.04.2026 whereby the regular bail prayer of the appellant in connection First Information Report No.34 of 2025 registered at P.S. Special Task Force (STF), District Mohali has been rejected.
4. Addom Pharmaceuticals Private Limited holds a license under the provisions of the Drugs and Cosmetics Act, 1940 to stock and trade in such drugs which also fall within the purview of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (NDPS Act). Appellant is a director in the licensee company.

5. According to the allegations, a person was found in possession of those drugs more than the commercial quantity. Based on the investigation carried out, it was found that those drugs had reached him through one C.S. Enterprises which had its location in the State of Uttarakhand. During investigation one of the employees of appellant's company, namely, Radhika Bhardwaj, made a statement that to achieve sale target and to earn more commission, she met Sangam Kumar (co-accused) who bought medicines from Addom for firms under his control.
6. It is the submission of the learned counsel for the appellant that no doubt the appellant could be held vicariously liable by virtue of the provisions of Section 38 of the NDPS Act. But the materials collected during investigation reveals that sale was controlled by employees of the Company, and those employees may have been negligent in properly verifying the credentials of buyers under pressure to meet sale targets. Therefore, if drugs got routed to persons not authorized, the appellant as director may not be responsible for the offence punishable under Section 22 of the NDPS Act. It has also been submitted that under Section 38 of the NDPS Act, the appellant could prove that the offences were committed without his knowledge, or that he had

exercised all due diligence to prevent the commission of such offence. In such circumstances, it has been submitted that taking into account the fact that the statement of Radhika Bhardwaj indicates that she had been careless in making sales to meet sales targets and the main offender is the company, the appellant would have a valid defense in the course of the trial and therefore, since the appellant has suffered incarceration for a period of over one year pending trial, it is a fit case that appellant be released on bail, more so, when he has no previous criminal antecedents.

7. The learned counsel for the State has opposed the prayer for bail by submitting that the defence would have to be substantiated in the trial and, therefore, benefit of the statement of company's employee cannot be used at this stage. He also submits that fake bills were used to make sales and those have been seized during investigation. However, he could not dispute that the company of which the appellant is a director held the requisite license.
8. Having regard to the facts of the case as also that the appellant is alleged to be director of the company which held the requisite license, and has suffered pending

trial incarceration of one year, without expressing opinion on the merits of the prosecution case or the defence, we are of the view that the appellant is entitled to be released on bail, pending trial.

9. The appeal is, accordingly, allowed. The order passed by the High Court rejecting the bail prayer of the appellant is set aside.
10. The appellant shall be released on bail on such terms and conditions as the trial court may deem fit to impose in the facts and circumstances of the case.
11. Pending application(s), if any, shall stand disposed of.

.....J
[MANOJ MISRA]

.....J
[VIJAY BISHNOI]

New Delhi
August 06, 2026

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.7562/2026

[Arising out of impugned final judgment and order dated 06-04-2026 in CRMM No. 71999/2025 passed by the High Court of Punjab & Haryana at Chandigarh]

ANIL KUMAR GUPTA

Petitioner(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

IA No. 127132/2026 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT

Date : 06-08-2026 This matter was called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) :Mr. Siddhartha Dave, Sr. Adv.
Mr. Siddharth Jain, AOR
Mr. Inderpreet Singh Kooner, Adv.
Ms. Serena Sharma, Adv.
Ms. Tanisha Kaushal, Adv.

For Respondent(s) :Mr. Rajat Bhardwaj, A.A.G.
Mr. Karan Sharma, AOR

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

1. Leave granted.
2. The appeal is allowed in terms of the signed order which is placed on the file. The operative portion of the signed order is as under:

"9.The appeal is, accordingly, allowed. The order passed by the High Court rejecting the bail prayer of the appellant is set aside.

10.The appellant shall be released on bail on such terms and conditions as the trial court may deem fit to impose in the facts and circumstances of the case."

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

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)