

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. OF 2026
(Arising out of SLP (Crl.) No. 7011 of 2026)

NARAYAN

APPELLANT(S)

VERSUS

THE STATE OF MADHYA PRADESH

RESPONDENT(S)

ORDER

1) Leave granted.

2) Being aggrieved of the order¹ passed by the High Court² of cancellation of bail on account of involvement of the appellant in repeated offence under the M. P. Excise Act, 1915, the present appeal has been filed.

3) The High Court, *vide* the impugned order, has cancelled the bail granted to the appellant-accused in M.Cr.C. No. 49016/2024 on 20.11.2024 in connection with Crime No. 388 of 2024 registered at Police Station Kannod, District Dewas, for the offence punishable under Section 34(2) of the M.P. Excise Act, 1915, on an application filed by the State under Section

1 Order dated 11.03.2026 in Misc. Criminal Case No. 28857 of 2025

2 High Court of Madhya Pradesh at Indore

439(2) Cr.P.C.³ / 483(2) BNSS⁴, 2023.

4) After hearing learned counsel for the parties, by consent, we are inclined to dispose of this appeal at the initial stage itself, by consent of the counsel appearing for the parties.

5) Having considered the provisions as contained in Section 480(3) BNSS, it is clear that if a person accused or suspected of commission of an offence punishable with imprisonment which may extend to seven years or more or of an offence under Chapter VI, Chapter VII or Chapter XVII of the BNSS or abetment of, or conspiracy or attempt to commit, any such offence, is released on bail, in that situation, the Court may be in a position to impose conditions as specified therein. In the facts of the present case, since the punishment for subsequent offence is less than five years, the conditions as stipulated in Section 480(3) BNSS are not imposable. Therefore, at present, cancellation of bail on account of involvement in the subsequent offence solely based on Section 34(2) of the M.P. Excise Act, 1915, is not justified.

6) In this view of the matter, we are inclined to set aside the order impugned passed by the High Court and allow this appeal.

7) However, we make it clear that the accused shall not indulge in any other activity of criminal nature. If he is found involved in respect to the

3 Code of Criminal Procedure, 1973

4 Bharatiya Nagarik Suraksha Sanhita, 2023

provisions of Section 480(3) BNSS or otherwise the State is at liberty to apply for cancellation of bail.

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

....., J.
[J.K. MAHESHWARI]

....., J.
[ATUL S. CHANDURKAR]

New Delhi;
April 22, 2026.

ITEM NO.9

COURT NO.3

SECTION II-E

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. 7011/2026

[Arising out of impugned final judgment and order dated 11-03-2026 in MCRC No. 28857/2025 passed by the High Court of Madhya Pradesh at Indore]

NARAYAN

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

(IA No. 113567/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 113566/2026 - EXEMPTION FROM FILING O.T.)

Date : 22-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :

Mr. Saurabh Ajay Gupta, AOR
Ms. Harshita Lulla, Adv.
Mr. Ritik Gupta, Adv.
Mr. Ayush Haritash, Adv.

For Respondent(s) :

Mr. Surjeet Singh, Adv.
Mr. P. N. Razdan, Adv.

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

(NIDHI AHUJA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR

[Signed order is placed on the file.]