



IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. _____ OF 2026
[ARISING OUT OF SLP (CRIMINAL) NO.7446/2026]

KAIF MOBIN

APPELLANT (S)

VERSUS

UNION OF INDIA AIR CUSTOMS
SUPERINTENDENT, (AIU), NSCBI,
AIRPORT, KOLKATA

RESPONDENT (S)

O R D E R

1. Leave granted.
2. The appellant before this Court has filed the present appeal being aggrieved by order dated 02.02.2026 passed by the High Court of Calcutta in CRM (NDPS) No.1263 of 2025, rejecting the prayer for bail of the appellant in connection with NDPS Case No.260/2025 pending before the Special Judge, 8th Court at Barasat, North 24 Parganas.
3. The allegation against the appellant is that the appellant was carrying 5990 grams of ganja along with the co-accused, who were carrying 5.990 kg of ganja, making a total quantity of 11.975 kilograms of ganja. They were apprehended by the Air Customs Department at Kolkata Airport and taken into custody.
4. Learned counsel for the appellant has argued before this Court that the co-accused has already been

granted bail by the High Court. The aforesaid fact has not been disputed by the learned counsel for the respondent. It has also been stated that the appellant is in jail for the last one year.

5. This Court, after hearing the learned counsel for the parties and keeping in view the quantity of Ganja recovered from the appellant, the period of incarceration already undergone by him, and the fact that the other co-accused has already been enlarged on bail, is of the opinion that the appellant has made out a case for interference with the impugned order dated 02.02.2026. This Court is of the view that the appellant's further detention is not necessary pending trial. Accordingly, the appeal is allowed, and the appellant is directed to be released on bail, subject to such terms and conditions as may be imposed by the learned Trial Court.

6. Needless to observe, the appellant shall not, directly or indirectly, by making inducement, threat or promise, dissuade any person acquainted with the facts of the case from disclosing such facts to the court.

7. In the event there is any breach of the terms and conditions for grant of bail, the trial court shall be at liberty to cancel the bail of the appellant.

8. It is also ordered that the appellant shall diligently attend proceedings of the trial, unless exempted. If he is found to abstain from attending the proceedings without justifiable cause, that could also be seen as breach of the conditions for grant of bail and the trial court will be free to pass appropriate orders.

9. We clarify that the observations made in this order and grant of bail will not be treated as findings on the merits of the case.

10. The appeal is, accordingly, allowed on the aforesaid terms, and the impugned order dated 02.02.2026 is set aside.

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

.....J.
[SATISH CHANDRA SHARMA]

.....J.
[NONGMEIKAPAM KOTISWAR SINGH]

New Delhi;
September 23, 2026.

ITEM NO.8

COURT NO.16

SECTION II-B

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). 7446/2026

[Arising out of impugned final judgment and order dated 02-02-2026 in CRM (NDPS) No. 1263/2025 passed by the High Court at Calcutta]

KAIF MOBIN

PETITIONER(S)

VERSUS

UNION OF INDIA AIR CUSTOMS
SUPERINTENDENT, (AIU), NSCBI,
AIRPORT, KOLKATA

RESPONDENT(S)

Date : 23-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) : Mr. Syed Kamran Lal, Adv. (Arguing Counsel)
Mr. Alim Mizaj, Adv.
Mr. Mohit Sharma, Adv.
Mr. Lavish Sharma, Adv.
Mr. Yusuf Khan, Adv.
Mr. Abinash Kumar Mishra, AOR

For Respondent(s) : Mr. Davinder Pal Singh, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Sanjay Kumar Tyagi, Adv.
Ms. Disha Thakkar, Adv.
Mr. Gaurav Arya, Adv.
Mr. Krishan Kant Dubey, Adv.

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

1. Leave granted.
2. The appeal is allowed, and the appellant is directed to be released on bail, subject to such terms and conditions as may be imposed by the learned Trial Court.

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

(JAGDISH KUMAR)

ASTT. REGISTRAR-cum-PS

(MAYA KUMARI)

BRANCH OFFICER

(Original signed order is placed on the file)