

2025 LiveLaw (SC) 513

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
ABHAY S. OKA; J., UJJAL BHUYAN; J.

April 28, 2025

CRIMINAL APPEAL NO.2269 OF 2025 (Arising out of S.L.P.(Criminal) No.4349 of 2025)

VINEET JAIN versus UNION OF INDIA

Central Goods and Services Tax Act, 2017 – Section 132 – Bail should be normally granted for offences u/s. 132 CGST Act unless extraordinary circumstances exists.

[Arising out of impugned final judgment and order dated 24-01-2025 in SBCRMBA No. 14999/2024 passed by the High Court of Judicature for Rajasthan, Bench at Jaipur]

For Petitioner(s): Mr. Bhupendra Pratap Singh, Adv. Mr. Devendra Kumar Shukla, AOR Mr. Nakul Nirwan, Adv. Mr. Rishabha Singh, Adv.

For Respondent(s): Mr. Raghvendra P. Shankar, ASG Mr. Gurmeet Singh Makker, AOR Mr. Karan Lahiri, Adv. Mr. B.K. Satija, Adv. Mr. Bhuvan Kapoor, Adv.

ORDER

Leave granted.

Heard the learned counsel appearing for the appellant and the learned Additional Solicitor General appearing for the respondent-Union of India.

The offences alleged against the appellant are under Clauses (c), (f) and (h) of Section 132(1) of the Central Goods and Services Tax Act, 2017. The maximum sentence is of 5 years with fine. A charge-sheet has been filed. The appellant is in custody for a period of almost 7 months. The case is triable by a Court of a Judicial Magistrate. The sentence is limited and in any case, the prosecution is based on documentary evidence. There are no antecedents.

We are surprised to note that in a case like this, the appellant has been denied the benefit of bail at all levels, including the High Court and ultimately, he was forced to approach this Court. These are the cases where in normal course, before the Trial Courts, the accused should get bail unless there are some extra ordinary circumstances.

By setting aside the impugned order dated 24th January, 2025 of the High Court of Judicature for Rajasthan, Bench at Jaipur, we grant bail to the appellant. The appellant shall be immediately produced before the Trial Court and the Trial Court shall enlarge him on bail on appropriate terms and conditions till the conclusion of the trial.

The appeal is accordingly allowed.

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