

2026 LiveLaw (SC) 61

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
ARAVIND KUMAR; J., PRASANNA B. VARALE; J.
JANUARY 07, 2026

CRIMINAL APPEAL NO.105 OF 2026 @ SPECIAL LEAVE PETITION (CRIMINAL) NO. 357 OF
2026 @ DIARY NO.72999/2025
RAMBALI SAHNI versus STATE OF BIHAR

Criminal Procedure Code, 1973 – Section 362 - Bar on Alteration or Review of Signed Orders – The Supreme Court set aside an order of the Patna High Court which had recalled its earlier grant of bail to the appellant - The High Court had reversed the bail order on the grounds of a clerical error by the Court Master, who recorded the petition as "allowed" despite the operative portion allegedly being "rejected" - The Supreme Court held that under Section 362 CrPC, no alteration or review of a signed judgment or order is permissible except to correct clerical or arithmetical errors – Noted that no such error justified the recall, rendering the High Court's action unsustainable in law.

Narcotic Drugs and Psychotropic Substances Act, 1985 – Grant of Anticipatory Bail – Co-accused Statements – Noted that the appellant was arraigned as an accused solely on the basis of a statement made by a co-accused (who was apprehended with 6.330 kg of Ganja) - noted that the actual complicity of the appellant is a matter to be thrashed out during trial - Supreme Court restored the bail and directed that the appellant be released on anticipatory bail by the jurisdictional Investigating Officer – Appeal allowed. [Paras 5-8]

[Arising out of impugned final judgment and order dated 30-08-2025 in CRM No.53718/2025 passed by the High Court of Judicature at Patna]

For Petitioner(s): Mr. Namit Saxena, AOR

For Respondent(s): Mr. Azmat Hayat Amanullah, AOR Ms. Ekta Kundu, Adv.

ORDER

1. Heard.
2. Delay condoned.
3. Leave granted.
4. FIR No.287/2024 was registered on 23.10.2024. It is the case of the prosecution that on receipt of the secret information, Mr. Dhawan Kumar would proceed towards Imadpur on his Honda motorcycle carrying Ganja, the said vehicle was intercepted by putting up the barricade and the said vehicle was seized and Mr. Dhawan Kumar was apprehended and from his conscious possession, 6.330 kg of Ganja was seized. On inquiry, he had stated that his father had given it to him for being delivered to the appellant herein. As such based on the statement of Mr. Dhawan Kumar, the appellant is arraigned as an accused.
5. Having heard the learned counsel appearing for the parties, we notice that initially the jurisdictional High Court had granted bail on 27.08.2025 (Annexure-P/3) to appellant herein. However, by the impugned order, the same was reversed or recalled on the premise that Court Master though had recorded as petition having been rejected in the operative portion had mistakenly written as "allowed". The High Court also noted in the impugned order that the Personal Assistant when visited with a show-cause notice had

tendered unqualified apology and had stated that it was an inadvertent error which was on account of said employee being in deep grief due to the sudden demise of his maternal uncle and as such accepting the said unconditional apology tendered by the Court Master, the order of granting the bail came to be reversed or recalled.

6. At this juncture, we deem it apposite to note Section 362 of the Criminal Procedure Code, 1973 which clearly mandates that once the judgment or order is signed, no alternation or review of the same is permissible except to correct a clerical or arithmetical error. In the instant case, there being no clerical or arithmetical error which had crept in, yet the High Court recalled the earlier order granted bail by impugned order and it was not justified in undertaking to recall the order dated 27.08.2025 by the impugned order 30.08.2025. In other words, the order granting bail has been reversed or recalled by the impugned order which is impermissible in law and as same would not be sustainable even for a moment. Hence, same is set aside.

7. Turning our attention to the merits of the case, we notice at the cost of the repetition that appellant herein has been arraigned as an accused on the basis of the co-accused statement. As to the actual complicity of the appellant is an issue which will have to be thrashed out after trial and as such the appellant would be entitled for being released on bail.

8. Accordingly, we allow this appeal, set aside the impugned order and though we restore the order dated 27.08.2025 passed by the High Court, we make it clear that the appellant shall be released on anticipatory bail by the jurisdictional Investigating Officer on such terms and conditions as he deems fit.

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

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