

2025 LiveLaw (SC) 370

IN THE SUPREME COURT OF INDIA
PANKAJ MITHAL; J., S.V.N. BHATTI; J.
SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 805/2025; 27-03-2025
MD GULZAR *versus* STATE OF BIHAR

Bail Application – Moratorium of 1 year imposed by high court to apply for bail afresh - Such a restriction was impermissible. (Para 3)

[Arising out of impugned final judgment and order dated 07-08-2024 in CRLM No. 55615/2024 passed by the High Court of Judicature at Patna]

For Petitioner(s): Mr. Sulaiman Mohd Khan, Adv., Ms. Taiba Khan, Adv., Mr. Bhanu Malhotra, Adv., Mr. Gopeshwar Singh Chandel, Adv., Mr. Abdul Bari Khan, Adv., Mr. Chandra Bose, Adv., Dr. Hilaluddin, Adv., Mr. Aftab Alam, Adv., Mr. Ashish Choudhury, AOR,

For Respondent(s) :Mr. Manish Kumar, AOR Mr. Kumar Saurav, Adv.

ORDER

1. The High Court by the impugned order dated 07.08.2024 has declined to enlarge the petitioner on bail but has granted him liberty to renew the prayer for bail after one year of the framing of the charges.
2. The petitioner is aggrieved by the condition so imposed fixing the moratorium of one year for moving the fresh bail application after the framing of the charges.
3. We are of the considered opinion that the High Court while granting the liberty to renew the prayer for bail could not have imposed such a condition and ought to have permitted the filing of the fresh bail application after the charges are framed.
4. In the case at hand, now charges have been framed and therefore, the petitioner is set at liberty to renew his prayer for bail before the High Court, notwithstanding the moratorium of one year imposed under the impugned order.
5. The impugned order stands modified to the above extent.
6. The Special Leave Petition is disposed of accordingly.
Pending application(s), if any, shall stand disposed of.

© All Rights Reserved @LiveLaw Media Pvt. Ltd.

*Disclaimer: Always check with the original copy of judgment from the Court website. Access it [here](#)