

Supreme Court granted bail to applicant since investigation was complete for allegations of GST evasion

Facts of the case - Ratnambar Kaushik v. Union of India - [2022] (SC)

The petitioner filed application seeking bail in the proceedings initiated under Section 132 before the High Court. The allegations against the petitioner were with regard to the transportation of unmanufactured tobacco and it was alleged that such procurement of unmanufactured tobacco was for clandestine manufacture and supply of zarda without payment of leviable duties and taxes. However, the High Court of Rajasthan dismissed the application. Therefore, the petitioner filed special leave petition before the Supreme Court.

Decision of the case :

The Honorable Supreme Court noted that the petitioner was arrested on 21.07.2022 and while in custody, the investigation had been completed. Moreover, the charge sheet had been filed and the alleged evasion of tax by the petitioner under Section 132(1)(l)(i) would be punishable with imprisonment which may extend to 5 years and fine. The Court also noted that the petitioner had already undergone incarceration for more than four months and completion of trial would take some time. Therefore, it was held that the bail should be granted as there can be no apprehension of tampering, intimidating or influencing in view of the fact that evidence to be tendered by the department would essentially be documentary and electronic.