

Rajesh Kumar Dudani v. The State of Uttarakhand and another

Case number: Criminal appeal arising out of SLP (Criminal) No. 9938/2022. The signed order leaves the criminal appeal number blank.

Citation: No neutral or reported citation is printed in the official source PDF.

Decision date: 27 February 2023

GST summons and anticipatory bail: rejection of a proposed tax-loss deposit condition

Court: Supreme Court of India

Bench: Krishna Murari and Ahsanuddin Amanullah, JJ.

Decision stage: Final appeal allowed after grant of leave; anticipatory bail granted without the proposed tax-loss deposit condition. GST liability and guilt remain undecided.

01 Facts of case and issues

Rajesh Kumar Dudani challenged the Uttarakhand High Court's order of 22 September 2022 rejecting anticipatory bail in relation to summons dated 12 and 20 May 2022 issued by the Deputy Commissioner, State GST, Dehradun under section 70. The appellant argued that the material was documentary or electronic and custodial interrogation was unnecessary.

The Revenue opposed bail and alternatively sought deposit of at least half the alleged revenue loss of ₹14.68 crore from fake invoices. The appellant responded that no final GST assessment had been made. These were the parties' submissions, not findings establishing liability or innocence.

Pinpoint: Official PDF pp. 1–2; p. 5 identifies High Court ABA No. 96/2022.

02 Discussion by Hon'ble Court

The Court relied on Subhash Chouhan v. Union of India, Criminal Appeal No. 186/2023, decided on 20 January 2023, which set aside a deposit condition attached to bail. It noted the Additional Solicitor General's concession in that case and the same view in Anantbhai Ashokbhai Shah v. State of Gujarat, Criminal Appeal No. 523/2023, decided on 17 February 2023.

Treating the facts as identical for this purpose, the Court found no reason to depart from those decisions. It did not adopt a general rule that GST arrest or investigation must always await assessment; the absence-of-assessment argument was recorded from counsel.

Pinpoint: Official PDF pp. 2–3, reasons following "We have considered the arguments".

03 Judicial decision and operative relief

Leave was granted. The Court held that the appellant was entitled to anticipatory bail without the deposit condition proposed by the Additional Solicitor General. If arrested, he was to be released forthwith, subject to such terms and conditions as the trial court or investigating agency considered fit and proper.

The High Court's order of 22 September 2022 was set aside, the appeal allowed and pending applications disposed of.

Pinpoint: Official PDF pp. 1 and 3–4; record of proceedings pp. 5–6.

04 In favour of

Appellant on anticipatory bail, without the proposed revenue-loss deposit.

The Supreme Court appeal ended with anticipatory-bail protection and rejection of the proposed tax-loss deposit condition. Other lawful conditions remained for the trial court or investigating agency. The order neither cancelled the GST summons nor determined the tax demand, alleged invoice scheme or criminal guilt.

Pinpoint: Official PDF pp. 3–4, operative directions.

05 AKHB REVIEW POINT

AKHB analysis: Distinguish a proposed payment to secure revenue from the conditions actually imposed for bail. Produce the signed order and the trial court or investigating agency's implementation terms when relying on the protection.

Keep the Court's bail-condition reasoning separate from the appellant's assessment and sentencing submissions. Verify the exact charged provision and subsequent treatment before applying this case to a current arrest, summons or assessment dispute.

Pinpoint: AKHB analysis based on official PDF pp. 1–6; no additional judicial holding.

Sources and limitations

Relevant provisions

Uttarakhand Goods and Services Tax Act / Central Goods and Services Tax Act, 2017: section 70 summons, as stated in the order.

Section 132 punishment provision cited in the appellant's submission; the source prints "132 (i) (iii)". No corrected subsection or offence clause is inferred.

Statutory note

The signed source prints the appellant's section reference as "132 (i) (iii)" and records counsel's one-year-punishment submission. This note does not silently correct that reference or treat the submission as the Court's finding on the applicable punishment.

Treatment note

This note records the Supreme Court order as delivered. The subsequent prosecution, implementation of bail directions and any later modification or cancellation have not been comprehensively checked. Source verification does not establish that no later proceedings exist.

Scope of source review

All six official pages independently read and visually verified: signed order pages 1–4 and matching record of proceedings pages 5–6. All five note panels independently reviewed against the complete source.

Source notes

The signed order leaves the criminal appeal number blank; SLP (Criminal) No. 9938/2022 is printed in the source.

The decision date is 27 February 2023, not the digital-signature date of 1 March 2023.

The ₹14.68 crore amount and fake-invoice allegation are attributed to Revenue counsel; no final liability determination is reported.

Primary source

Source description: Official Supreme Court six-page PDF: signed order on pages 1–4 and record of proceedings on pages 5–6.

Official source:

<https://api.sci.gov.in/supremecourt/2022/31748/31748 2022 13 7 42319 Order 27-Feb-2023.pdf>

Source pages: 6

Outcome type: final-procedural

Disclosures and source rights

AI disclosure: Prepared with AI assistance from the complete official Supreme Court source identified in this note. No human legal review is claimed.

General disclaimer: For professional information only; not legal advice. Read the complete decision and applicable law, verify subsequent treatment and obtain case-specific professional advice before acting.

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Source checked: 18 October 2026