

Ashutosh Garg v. Union of India

Case number: Special Leave Petition (Criminal) No. 8740/2024.

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

Decision date: 26 July 2024

GST prosecution: regular bail after nearly nine months' custody, considering the stated maximum sentence

Court: Supreme Court of India

Bench: The Chief Justice of India, J.B. Pardiwala and Manoj Misra, JJ. (the source identifies the Chief Justice by office).

Decision stage: Final disposal of the special leave petition granting regular bail through a substantive reasoned order; no grant of leave or criminal-appeal number is stated.

01 Facts of case and issues

Ashutosh Garg sought bail after the Rajasthan High Court, Jaipur Bench's order of 6 March 2024 in SBCRLMIBA No. 548/2024. The complaint alleged offences under section 132(1)(b), (c), (f), (j) and (l) of the Central Goods and Services Tax Act, 2017, involving alleged fake firms and input-tax fraud.

The Supreme Court recorded that he had been arrested on 2 November 2023 and had spent nearly nine months in custody. It had issued notice on 19 July 2024 and heard both the petitioner's senior counsel and the Union's Additional Solicitor General before deciding the petition.

Pinpoint: Official PDF p. 1, case metadata; p. 2, paragraphs 1–4.

02 Discussion by Hon'ble Court

The Court considered the stated maximum punishment of five years' imprisonment together with the period of custody already undergone. On that basis, it considered continued incarceration inappropriate and granted bail.

This is a substantive determination of the bail request within the special leave proceeding, not an unexplained refusal of special leave. The short order does not resolve whether fake firms existed or whether input-tax fraud was proved, and does not establish a universal nine-month release rule.

Pinpoint: Official PDF p. 2, paragraphs 1–5.

03 Judicial decision and operative relief

The Supreme Court directed that the petitioner be released on bail on terms and conditions to be imposed by the trial court. It disposed of the special leave petition and pending applications.

The order does not specify the bond, sureties, tax deposit or other implementation conditions. It also does not record a grant of leave or assign a criminal-appeal number.

Pinpoint: Official PDF p. 2, paragraphs 5–7.

04 In favour of

Ashutosh Garg on conditional regular bail.

The petition ended with a direction for release on regular bail. The complaint, criminal guilt and tax or input-credit liability were not finally adjudicated. Conditions were left to the trial court, so this source alone does not establish every condition ultimately imposed or later compliance.

Pinpoint: Official PDF p. 2, paragraphs 1 and 5–7.

05 AKHB REVIEW POINT

AKHB analysis: When citing this order, connect the custody actually undergone with the punishment applicable to the alleged offence and the facts of the bail application. Treat the reported fake-firm and fraud allegations as allegations, and do not import a revenue figure or number of firms from media summaries: this official order supplies neither.

Obtain the trial court's release order for the operative conditions and check subsequent modification or cancellation. Preserve the procedural description as a final reasoned disposal of the SLP granting bail. The order is not an acquittal, a ruling on the validity of arrest, or a merits determination of input-tax-credit entitlement.

Pinpoint: AKHB analysis based on official PDF pp. 1–2; no additional judicial holding.

Sources and limitations

Relevant provisions

Central Goods and Services Tax Act, 2017: section 132(1)(b), (c), (f), (j) and (l), as the complaint is described in paragraph 1.

Statutory note

The five-year maximum is the Court's observation for the alleged offence in this case. This note does not independently restate current offence thresholds or infer that every GST offence carries the same 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 two pages of the official PDF read and visually checked. Page 1 identifies the parties, challenged High Court order, date and bench; page 2 contains substantive order paragraphs 1–7 and registrar attestations. This source is a complete reasoned ROP order; it does not refer to a separate signed order.

Source identity notes

The complete official ROP includes the reasoned bail relief and final disposal, rather than only a docket entry. No separate signed-order reference appears.

The decision date and digital-signature date both read 26 July 2024. The source identifies the Chief Justice by office, and the note retains that form instead of adding an unsourced name.

Primary source

Source description: Official Supreme Court two-page digitally signed record of proceedings containing the complete substantive order, paragraphs 1–7.

Official source:

https://api.sci.gov.in/supremecourt/2024/26655/26655_2024_1_1_54128_Order_26-Jul-2024.pdf

Source pages: 2

Outcome type: Final disposal of the special leave petition granting regular bail through a substantive reasoned order; no grant of leave or criminal-appeal number is stated.

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