

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1647 OF 2019
(Arising out of SLP (Crl.) No(s).9378/2019)

LALIT PASWAN

Appellant(s)

VERSUS

STATE OF BIHAR

Respondent(s)

O R D E R

Leave granted.

The appellant seeks bail in a prosecution under Sections 272, 273, 34 IPC read with Section 30(a) of Bihar Prohibition and Excise Act, 2016 for recovery of 3.780 litres of foreign liquor from him.

The grant or refusal of bail involves exercise of judicial discretion. A prayer for bail seeking release from incarceration concerns the liberty of the citizen. The discretion therefore has to be exercised in a judicious manner. Even though a bail order is not required to be written in the form of a judgment, yet it must deal with the salient aspects of the matter

reflecting application of judicial mind for grant or refusal of bail. The accused or the complainant, as the case may be, has a right to know the reasons briefly indicating why the discretion was exercised in a particular manner. An order declining or granting bail must not be cryptic or sans brief reasons as it concerns issues of public confidence.

A bare perusal of the impugned order reveals that the High Court was satisfied that the appellant deserves to be enlarged on bail. But the High Court nonetheless passed a peculiar order simultaneously granting yet denying the privilege of bail. It is very difficult to understand the manner of exercise of judicial discretion and the reasons for the same. No reasons have been indicated why the High Court despite being satisfied to grant bail simultaneously denied the benefit. The appellant was either entitled to the grant of bail or he was not entitled to the same.

The impugned order in the present form is therefore held to unsustainable. We therefore set aside the impugned order, and restore the bail application before

the High Court. Considering that the appellant continues in custody since 19.06.2019 we request the High Court to take up the bail application of the appellant for consideration expeditiously without delay.

The appeal stands disposed of.

Pending applications, if any, stand disposed of.

.....J.
[NAVIN SINHA]

.....J.
[B.R. GAVAI]

NEW DELHI
OCTOBER 25, 2019

ITEM NO.43

COURT NO.13

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 9378/2019

(Arising out of impugned final judgment and order dated 13-08-2019 in CRLMN No. 50001/2019 passed by the High Court Of Judicature At Patna)

LALIT PASWAN

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

(FOR ADMISSION and I.R.

IA No. 156112/2019 - EXEMPTION FROM FILING O.T.

IA No. 156111/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 25-10-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA

HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s)

Mr. Animesh Kumar, Adv.
Mr. Murari Kumar, Adv.
Mr. Neeraj Shekhar, AOR
Mr. Sumit Kumar, Adv.
Mr. Ashutosh Thakur, Adv.
Ms. Ekta Bharati, Adv.

For Respondent(s)

Mr. Gopal Singh, AOR
Mr. Manish Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)

[Signed order is placed on the file]