



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.100 OF 2025

RAHUL S/O VIJAYKUMAR AHUJA

VS

DIRECTORATE OF GENERAL OF GST INTELLIGENCE NAGPUR

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. Akshay Naik, Senior Advocate, a/b. Mr. Chaitanay Barve and Mr. Gaurav Gour, Advocates for the petitioner

Mr. Jitendra Mishra, along with Mr. Kunal Nalamwar, Advocate for the respondent

CORAM : ANIL S. KILOR, J.

DATE : 6th MARCH, 2025

1. On the date when the present writ petition was filed, the law as stood then was, in a matter under Central Goods and Services Tax Act, 2017 (for short “the Act of 2017”) making an application for anticipatory bail was not permissible. However, during the pendency of this petition, the Hon’ble Supreme Court of India, in the case of *Radhika Agarwal Vs. Union of India and others*¹, has held that in the cases under the Act of 2017, an application for anticipatory bail can be allowed in appropriate cases.

2. In the circumstances, the learned Senior Advocate for the petitioner prays to withdraw the present petition with liberty to approach learned Sessions Judge, by filing an application for anticipatory bail.

3. He further prays for continuation of interim protection, granted vide order dated 30.01.2025.

4. Learned counsel for the respondent, opposed the said prayer and submits that the interim protection may not be continued.
5. In the above referred backdrop, having gone through the order dated 30.01.2025, it is evident that this Court recorded the reasons in detailed while granting interim protection.
6. In that view of the matter and since the said interim protection is being continued since 30.01.2025, I am of the opinion that no prejudice will be caused to the respondent, if such interim protection is continued for another 15 days.
7. Accordingly, the writ petition is **disposed of** as withdrawn with liberty to petitioner to approach appropriate court, by filing an application for anticipatory bail within one week, from today.
8. The order dated 30.01.2025, granting interim protection, shall continue for 15 days from today.
9. The petitioner is further granted liberty to apply for ad interim anticipatory bail. If such application is filed, the learned Sessions Court shall decide the same within 7 days from the date of filling of such application.
10. The learned Senior Advocate for the petitioner undertakes to request his client to supply copy of the application to the respondent, in advance and to intimate the date.
11. Needless to say that if such application is filed,

including the application for ad interim anticipatory bail, the learned Sessions Court shall decide the same on its own merits, without influenced by any of the observations recorded by this Court in the order dated 30.01.2025.

(ANIL S. KILOR, J.)