2026:AHC:208987

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35599 of 2026

Rakesh Goyal

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sheshadri Trivedi
Counsel for Opposite Party(s)	:	Dhananjay Awasthi, G.A.

Court No. - 55

HON'BLE VIKRAM D. CHAUHAN, J.

1. Heard learned counsel for the applicant, Sri Dhananjay Awasthi, learned counsel for D.G.G.I as wells as learned A.G.A. for the State and perused the record.

2. The present bail application is filed with the following prayer:

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow the present application and release the applicant on regular bail, in Case No. 557 of 2021, under Section 132 (1) (C), 132 (1) (i) of CGST Act-2017, Police Station Department- DGGI, District Meerut, during pendency of trial. Otherwise the applicant shall suffer irreparable loss and injury. And/or pass such other and further which this Hon'ble Court may deem fit and proper under the circumstances of the case, in the interest of justice."

3. It is submitted by learned counsel for applicant that on earlier occasion applicant was granted interim bail by order dated 19.7.2021. One of the condition in the order dated 19.7.2021 was that applicant was directed to surrender before the court concerned within 60 days. Learned counsel for applicant submits that in view of COVID-19 pandemic, the aforesaid condition could not be complied with. Applicant has moved a regular bail. The trial court has rejected the bail application by order dated 16.4.2026 on the ground of maintainability as the accused was not remained present before the court. The Sessions Judge has also rejected the bail application by order dated 5.9.2026 on the ground of maintainability as the accused is not in custody.

4. Confronted with the aforesaid situation and in view of the fact that interim bail was granted to the applicant by order dated 19.7.2021 containing stipulation that applicant will surrender within 60 days, learned counsel for applicant submits that applicant will surrender before the court concerned, however, since the matter pertains to G.S.T. and applicant is a businessman, therefore, his bail application may be considered, expeditiously, in view of the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2021) 10 SCC 773.**

5. Considering the fact that applicant is on interim bail and coupled with the fact that applicant is ready to surrender before the court concerned, it is, hereby, provided that surrender application shall be moved by the applicant along with bail application. The court would call for the instructions from the department concerned without taking custody of the applicant. The surrender application and bail application shall be decided together.

6. With the aforesaid observation/direction, the bail application is disposed of.

(Vikram D. Chauhan,J.)

October 6, 2026
D. Tamang

Digitally signed by :-
DHIRENDRA TAMANG
High Court of Judicature at Allahabad