



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.3001 OF 2025

Sunil Biyani

... Applicant

Vs.

Union of India

... Respondent

Dr. Abhinav Chandrachud a/w Abhishek Salian, Mayuresh Ingale for the Applicant.

Mr. J. B. Mishra a/w Sangeeta Yadav, Rupesh Dubey, Umesh Gupta for the Respondent-UOI.

CORAM : N.R. BORKAR, J.

DATE : 13TH FEBRUARY 2026

PC. :

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MANOJ
PARANJAPE**

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1. The Applicant has filed this Anticipatory Bail Application apprehending his arrest by Respondent, in view of summons issued to him under Section 70 of the Central Goods and Services Tax Act, 2017 at Page No.25 of the present Application.

2. On 23rd January 2026, this Court passed the following order:

“PC. :

1. At the request of learned Special PP, list on 05.02.2026 at 300 p.m.

2. The learned Special PP, on the next date, shall produce the order passed by the concerned Commissioner in terms of Section 69 of the Central Goods and Services Tax Act, 2017 in the present matter.

3. Ad-interim order to continue till the next date.”

3. In terms of the said order, the Respondent-UOI has filed an Additional Affidavit dated 04th February 2026. Paragraph No.2 of the said Affidavit reads thus:

“2. As on the date hereof, no order under Section 69 of the CGST Act, 2017 has been passed in this matter, accordingly, there is no such order to produce today.”

4. In absence of an order under Section 69 of the Central Goods and Services Tax Act, 2017, the Applicant can not be arrested.

5. In that view of the matter, at this stage, the present Anticipatory Bail Application can not be entertained.

6. However considering the facts and circumstances, the present Applicant shall not be arrested for a period of one week, if the order under Section 69 of the Central Goods and Services Tax Act, 2017 is passed, from the date of intimation of such order to the Applicant.

7. The Anticipatory Bail Application is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)