



## **COURSE MANUAL**

**Name of the Elective Course:**

**Bail or Jail: Understanding the Bail Laws of India**

**Course Code:**

**L-EL-052**

**Name of the responsible Faculty Instructor:**

Prof. Eesha Mohapatra

**FALL 2026**

**(AY2026-27)**

This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intents and purposes as far the elective course, Bail or Jail: Understanding the Bail Laws of India, is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the course (without tampering its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

## Part I

Course Title: Bail or Jail: Understanding the Bail Laws of India

Course Code: L-EL-052

Course Duration: **One Semester (14 Weeks)**

No. of Credit Units: **4 Credits**

Level: **UG or PG or Both (BOTH)**

Medium of Instruction: **English**

Pre-requisites (if applicable): Should have completed Code of Criminal Procedure/Bharatiya Nagarik Suraksha Samhita

Equivalent Courses: N/A

## Part II

### 1. Acknowledgement of Course Ideators: N/A

**2. Course Description:** The fundamental rights guaranteed by the Constitution makes no explicit distinction between an arrested person and a free person in India. The apex court has reiterated time and again that the right to liberty cannot be taken away without following due process of law.<sup>1</sup> To ensure this liberty, provisions relating to bail are contained in the various criminal law statutes.

It is pertinent to understand that offences are broadly divided into *bailable*<sup>2</sup> and *non-bailable*<sup>3</sup> offences. Bail becomes a matter of right in cases of bailable offences. However, it is a matter of judicial discretion in cases of non-bailable offences. This course targets to explore the exercise of such judicial discretion and the extent to which civil liberty and human dignity is upheld by the courts vis-à-vis certain legislations such as, the Unlawful Activities Prevention Act, 1967 (“**UAPA**”), the Prevention of Money Laundering Act, 2002 (“**PMLA**”), Narcotic Drugs and Psychotropic Substances Act, 1985 (“**NDPS ACT**”) and Protection of Children from Sexual Offences, 2012 (“**POCSO ACT**”) and Juvenile Justice act, 2015 (“**JJ ACT**”) along with the Code of Criminal Procedure, 1973 (“**CrPC**”) and Bharatiya Nagarik Suraksha Sanhita (“**BNSS**”)

Although, the module containing bail is covered under the CrPC, but owing to its vast expanse, various aspects of it such as detention without trial, pre-trial detention, post-conviction bail, transit bail, electronic monitoring of accused as well as bail under Special Laws are such areas which are not covered in the Code. The aim of the elective is to discuss the leading judgments passed in the recent past under the various aforesaid statutes while seeking consistency in bail jurisprudence and the need to overhaul the existing system

---

<sup>1</sup> D Bhuvan Mohan Patnaik v. State of Andhra Pradesh, 1975 (3) SCC 185; Maneka Gandhi v. Union of India, 1978 (1) SCC 248

<sup>2</sup> Section 2(a), Code of Criminal Procedure Code, 1973

<sup>3</sup> *ibid*

while ensuring the balance between the constitutional rights of the accused and ensuring punishment to the offender through fair trial.

### **3. Course Aims**

Students will be able:

#### **1. To Understand the Foundations of Bail Laws and Their Development in India**

This course aims to equip students with a comprehensive understanding of the historical evolution and constitutional basis of bail jurisprudence in India. It will trace the development of bail laws from colonial-era legal frameworks to the current position under the Code of Criminal Procedure and the Constitution, with particular emphasis on the right to personal liberty under Article 21. Students will engage with key judicial pronouncements that have shaped the contours of bail law over time.

#### **2. To Interpret and Analyze Bail Provisions in Special Criminal Statutes**

Students will be introduced to the bail regimes under special statutes such as the Unlawful Activities (Prevention) Act (UAPA), Narcotic Drugs and Psychotropic Substances Act (NDPS), Protection of Children from Sexual Offences Act (POCSO), Prevention of Money Laundering Act (PMLA), and the Juvenile Justice (Care and Protection of Children) Act (JJ Act). The course will critically examine how these statutes deviate from general bail principles, impose statutory restrictions, and create presumptions that affect the grant of bail.

#### **3. To Learn the Principles Relating to Bail and the Scope of Judicial Discretion**

A core aim of the course is to explore the legal and jurisprudential principles that

guide courts in the exercise of discretion in bail matters. This includes an analysis of the triple-test for bail, the presumption of innocence, gravity of offence, likelihood of tampering with evidence or absconding, and societal impact. The course will also examine conflicting judicial trends and debates surrounding anticipatory bail, default bail, and interim bail.

#### **4. To Understand Bail Jurisprudence Under Welfare and Security-Oriented Laws**

This course will examine the tension between individual liberty and state security in the context of bail provisions under welfare and national security legislations. Special attention will be given to the differential treatment of juveniles under the JJ Act, the reverse burden clauses and denial presumptions under UAPA and NDPS, and the complex financial regulations under the PMLA. Students will learn to navigate and critically assess the normative justifications for such exceptional bail provisions.

#### **5. Teaching Methodology**

- a. Case Law-Based Learning
- b. A problem-based and question-driven teaching approach will be employed to encourage critical thinking

#### **6. Intended Learning Outcomes**

<b>Course Intended Learning Outcomes</b>	<b>Weightage in %</b>	<b>Teaching and Learning Activities</b>	<b>Assessment Tasks/ Activities</b>
(i) Demonstrate knowledge, understanding, and an ability to critically analyze	30	Reading of relevant cases, statutes, and other legal	Cold call and Case Presentation

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
the relevant statutes, and other prescribed reading materials relating to Bail.		materials. Students are expected to read and critically analyze the wide range of materials included in the Course Manual or in handouts. These materials include select text-book excerpts, unabridged cases, journal articles and selected legislations	
<p>(ii) Apply the rules of Bail to solve legal problems by:</p> <ul style="list-style-type: none"> <li>- developing strong legal methodologies, including but not limited to, methods of statutory interpretation and case analysis.</li> <li>- Researching issues on Bail Law. Communicating their solutions orally and in</li> </ul>	40	-do-	Drafting of <b>judgment</b> and <b>viva</b>

<b>Course Intended Learning Outcomes</b>	<b>Weightage in %</b>	<b>Teaching and Learning Activities</b>	<b>Assessment Tasks/ Activities</b>
writing clearly, coherently and accurately in their own words and in plain language.			
(iii) Students will develop an understanding of how the Law of Bail operates in India and will be able to understand the interplay of various ‘special statutes’ on general bail laws prescribed in the Code. Students will be able to understand the effect of bail on a criminal trial, the liberty of the accused and the maintenance of law and order in society. They will be able to critically explore ideas for legal reforms	30	Same as above	End term assessment in addition to the internals.

## 6. Grading of Student Achievement

To pass this course, students shall obtain a minimum of 40% in the cumulative aspects of coursework, i.e., internal assessments (including moot court, mid-term exam, presentations, research paper) and the end term examination. Internal assessments shall carry a total of 70 marks. **End of semester exam shall carry 30 marks out of which students have to obtain a minimum of 30% marks to fulfil the requirement of passing the course.**

The details of the grades as well as the criteria for awarding such grades are provided below:

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
80 and above	O	8	<b>Outstanding</b> – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability
75 – 79	A+	7.5	<b>Excellent</b> - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability
70 – 74	A	7	<b>Very Good</b> - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyze existing materials and originality in thinking and presentation

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
65 – 69	A-	6	<b>Good</b> - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills
60 – 64	B+	5	<b>Fair</b> – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills
55 – 59	B	4	<b>Acceptable</b> - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	<b>Marginal</b> - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills
45 – 49	P1	2	<b>Pass 1</b> – Pass with basic understanding of the subject matter
40 – 44	P2	1	<b>Pass 2</b> – Pass with rudimentary understanding of the subject matter
Below 40	F	0	<b>Fail</b> - Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course
Incomplete	I	0	<b>Incomplete</b> - “Extenuating circumstances” preventing the student

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
			from taking the end-semester, or re-sit, examination as the case may be; the Vice Dean (Examinations) at their discretion assign the “I” grade. If an "I" grade is assigned, the student would appear for the end-semester, or re-sit examination, as the case may be, as and when the subsequent opportunity is provided by the University.

## 7. Criteria for Student Assessments

Assessment of the participants will be based on the following criteria.

Type of Assessment	Weightage	Remarks
Cold call	10 Marks	Students will be tested on the basis of last two classes syllabus to encourage engagement with the course.
Written Assignment and viva	40 Marks	It would be a drafting assignment in the form of bail judgment writing along with individual viva.
Case presentation	20 Marks	As part of this course, each student (in a group of two) will be required to present a <b>critical case analysis</b> . This exercise is designed to cultivate deep engagement with landmark judgments, sharpen legal reasoning, and encourage thoughtful articulation of constitutional and procedural issues related to <b>bail jurisprudence</b> .
End Semester Examination	30 Marks	There will be a compulsory end-semester examination/component for all participants of the course

Type of Assessment	Weightage	Remarks
(Compulsory)		who have successfully met the requisite attendance as per the governing JGU policies.

### Part III

#### **Course/Class Policies**

- Please arrive on time. Late arrivals disturb the flow of discussion. Also no attendance shall be given for arriving late.
- Respectful dialogue is essential. Disagreement is welcome, but personal attacks or dismissive behaviour is not.
- You are expected to revise last class lecture before coming to class.
- Supplementary material may be assigned to support ongoing developments in criminal procedure law.
- All assignments must be submitted by the stated deadlines. Late submissions incur a penalty of 1 mark per day, unless prior extension is granted.
- Originality is expected. Plagiarism will result in a failing grade and may lead to institutional disciplinary action.
- Weekly office hours will be held on Fridays (4-6 pm) (by appointment).
- Use your institutional email to reach out. Allow up to 48 hours for a response, excluding weekends.
- All class announcements will be made via email.
- Use of AI tools such as ChatGPT, Google Bard, GrammarlyGO, or any other generative AI software is strictly prohibited during all in-class examinations, assessments, and take-home exams. This course emphasizes the development of independent legal reasoning and critical analysis. The use of AI-generated content during evaluations undermines academic integrity and violates the principles of fair assessment. If in doubt, please consult the instructor before using any digital assistance tools.

### **Cell Phones, Laptops and Similar Gadgets**

- (i) Students must keep their cellphones on switched off/ flight mode. Any student found using a cellphone while class is ongoing will be liable to face disciplinary action.
- (ii) No laptops, similar gadgets are allowed to be used inside the classroom.

### **Academic Integrity and Plagiarism**

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs, films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

### **Disability Support and Accommodation Requirements**

JGU endeavours to make all its courses inclusive and accessible to students with different abilities. In accordance with the Rights of Persons with Disabilities Act (2016), the JGU Disability Support Committee (DSC) has identified conditions that could hinder a student's overall well-being. These include physical and mobility related difficulties, visual and hearing impairment, mental health conditions and intellectual/learning difficulties e.g., dyslexia, dyscalculia. Students with any known disability needing

academic and other support are required to register with the Disability Support Committee (DSC) by following the procedure specified at <https://jgu.edu.in/disability-support-committee/> Students who need support may register before the deadline for registration ends, as communicated by the DSC via email each semester. Those students who wish to continue receiving support from the previous semester, must re-register every semester prior to the deadline for re-registration as communicated by the DSC via email. Last minute registrations and support are discouraged and might not be possible as sufficient time is required to make the arrangements for support.

The DSC maintains strict confidentiality about the identity of the student and the nature of their disability and the same is requested from faculty members and staff as well. The DSC takes a strong stance against in-class and out-of-class references made about a student's disability without their consent and disrespectful comments referring to a student's disability. With due respect for confidentiality, faculty and students are encouraged to have honest conversations about the needs of students with disabilities and to discuss how a course may be better tailored to cater to a student with disability. All general queries are to be addressed to [disabilitysupportcommittee@jgu.edu.in](mailto:disabilitysupportcommittee@jgu.edu.in)

### **Safe Space Pledge**

This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

## Part IV

### Keywords Syllabus

BAIL, BAILABLE, NON-BAILABLE, COGNIZANCE, COGNIZABLE OFFENCES, NON-COGNIZABLE OFFENCES, ARREST, REMAND, CUSTODY, FIR, WARRANT, SUMMONS, COMPLAINT, CHARGE SHEET, LIBERTY, PRE-TRIAL DETENTION; FAIR TRIAL; JUDICIAL DISCRETION

### Course Design and Overview (Weekly Plan)

WEEK	TOPIC	ESSENTIAL READING
1	INTRODUCTION	<p><b><u>MODULE 1: INTRODUCTION</u></b></p> <p>This week will introduce the course aims, course structure and assessment methods. We will foreground discussions on the fundamental aspects of the law of bail, by exploring contemporary issues, understanding the importance and bearing of bail in the journey of a criminal trial and the liberty of the accused.</p> <ul style="list-style-type: none"><li>- <i>Mihir Rajesh Shah v State of Maharashtra 2025 INSC 1295</i> (If written grounds of arrest not communicated within atleast 2 hours before production before the magistrate, arrest and subsequent remand illegal)</li></ul>
2-4	DEFAULT BAIL	<p><b><u>MODULE 2: DEFAULT BAIL</u></b></p> <p>This week will examine the law surrounding default bail. We will understand the history of default bail and discuss</p>

WEEK	TOPIC	ESSENTIAL READING
		<p>relevant case laws which accorded accused persons to claim default bail as a statutory right. We will also learn about the concept of house arrest and discuss how loopholes are used to deny default bail.</p> <p><b>Statute:</b></p> <ul style="list-style-type: none"> <li>- The Code of Criminal Procedure, 1973, especially Section 167 and section 187 of the BNSS.</li> </ul> <p><b>Cases:</b></p> <ul style="list-style-type: none"> <li>- Sanjay Dutt vs. State (1994) 5 SCC 410</li> <li>- CBI vs. Anupam J Kulkarni (1992) 3 SCC 141</li> <li>- Ritu Chhabaria v. Union of India and Ors. 2023 SCC OnLine SC 502</li> <li>- Manpreet Singh Talwar v UoI (pending)</li> </ul>
		<ul style="list-style-type: none"> <li>- Chaganti Satyanarayan &amp; Ors vs State Of Andhra Pradesh, 1986 SCR (2)1128</li> <li>- CBI vs. Anupam J Kulkarni (1992) 3 SCC 141</li> <li>- Enforcement Directorate v. Kapil Wadhavan &amp; Anr. 2023 Supreme Court 3-judge bench</li> <li>- Ravi Prakash Singh @ Arvind Singh v. State of Bihar, (2015) 8 SCC 340</li> </ul>

WEEK	TOPIC	ESSENTIAL READING
		<ul style="list-style-type: none"> <li>- M. Ravindran vs. The Intelligence Officer, Directorate of Revenue Intelligence: MANU/SC/0788/2020</li> <li>- State of M.P. v. Rustam and others, 1995 Supp (3) SCC 2211</li>   <li>- Suresh Kumar Bhikamchand Jain v. State Of Maharashtra &amp; Anr (2013) 3 SCC 152</li> <li>- Serious Fraud Investigation Office v. Rahul Modi (2023) 15 SCC 311; AIR 2022 SC 902</li> <li>- Dinesh Dalmia v. C.B.I (2007) 8 SCC 770</li> <li>- Sanjay Dutt v. State (1994) 5 SCC 410</li> <li>- Uday Mohanlal Acharya v. State of Maharashtra (2001) 5 SCC 453</li> <li>- Sadhwi Pragyna Singh Thakur v. State of Maharashtra 2011 (10) SCC 445</li> <li>- M. Ravindran vs. The Intelligence Officer, Directorate of Revenue Intelligence: MANU/SC/0788/2020</li> <li>- Sudha Bharadwaj v. NIA; 2021 SCC Online Bom 4568</li> </ul>
5	<b>CONTRADICTION</b>	<p style="text-align: center;"><b><u>MODULE 3: CONTRADICTION</u></b></p> <p>This week will involve discussions surrounding the nuances of Section 437 and 439 of the Code of Criminal Procedure, 1973 (Section 480 and 483 of BNSS) and the differences between the two provisions. We will be discussing the powers of the court of Magistrates, Court of Sessions, and</p>

WEEK	TOPIC	ESSENTIAL READING
		<p>the High Court in granting bail. We will also understand the difference between bailable and non-bailable offences. Furthermore, we will understand the various tests for granting bail and also understand the concept of cancellation and setting aside of an order granting bail.</p> <p><b>Statute:</b></p> <ul style="list-style-type: none"> <li>- The Code of Criminal Procedure, 1973, especially, Sections 437 and 439.</li> </ul> <p><b>Cases:</b></p> <ul style="list-style-type: none"> <li>- Sundeep Bafna v. State of Maharashtra (2014) 16 SCC 623</li> <li>- Lacchman Dass v. Resham Chand Kaler, 2018 (3) SCC 187</li> <li>- Sk. Md. Anisur Rahaman v. State of West Bengal, 2025 SCC OnLine SC 2560</li> </ul> <p><b>Readings:</b></p> <ul style="list-style-type: none"> <li>- T.A. Rahman, <i>In the Custody of Law: Withering Jurisdiction of a Magistrate</i>, 60(4) JOURNAL OF INDIAN LAW INSTITUTE 427 (2018).</li> </ul> <p>PRASHANT REDDY THIKKAVARAPU &amp; CHITRAKSHI JAIN, TAREEKH PE JUSTICE: REFORMS FOR INDIA’S DISTRICT COURTS (2025) [<u>Chapters 1 and 2</u>].</p> <p>Regular Bail module will be done through the lens of Prevention of Children from Sexual Offences Act, 2012. We</p>

WEEK	TOPIC	ESSENTIAL READING
		<p>will look at the applicability of bail provisions of CrPC/BNSS in POCSO cases.</p> <p><b>CASES:</b></p> <ul style="list-style-type: none"> <li>- X(Minor) vs. State of Jharkhand (2022) CA. 263/2022</li> <li>- Praduman v. State (Bail Application of 2380/2021)- Delhi High Court</li> <li>- Aparna Bhat v. State of Madhya Pradesh 2021 SCC Online SC 230</li> <li>- K. Kirubakaran v. State of Tamil Nadu Cr. Appeal No. 679 of 2024 (SC set aside conviction noting that sex was consensual and survivor married accused)</li> <li>- X v. State of Maharashtra, 2025 SCC OnLine Bom 3443 (POCSO FIR can't be quashed merely because victim and accused have married and a child is born)</li> <li>- Prince Kumar Sharma v. State (NCT of Delhi), 2025 SCC OnLine Del 8426</li> </ul>
5	<p><b>BAIL, WRIT PETITION AND TRANSIT BAIL</b></p>	<p><b><u>MODULE 4: BAIL, WRIT PETITION AND TRANSIT BAIL</u></b></p> <p>This week's discussions will revolve around the power of the High Courts and the Supreme Court in granting bail while exercising their writ jurisdiction. We will also be studying the concept of transit bail.</p> <p><b>Cases:</b></p>

WEEK	TOPIC	ESSENTIAL READING
		<ul style="list-style-type: none"> <li>- Arnab Manoranjan Goswami Vs. State of Maharashtra and Others (2021) 1 Bom CR (Cri) 28</li> <li>- Gautam Navlakha v. National Investigation Agency (2021) 10 SCC 753</li> </ul>
7-8	<b>BAIL AND ECONOMIC OFFENCES</b>	<p><b><u>MODULE 5: BAIL AND ECONOMIC OFFENCES</u></b></p> <p>This week will involve discussions surrounding the law of bail in cases of economic offences. As economic offences are considered to be grave in nature, having a negative impact on the entire society, we will look at how bail is denied to persons accused of committing economic offences.</p> <p><b>Cases:</b></p> <ul style="list-style-type: none"> <li>- Nikesh Tarachand Shah v. Union of India (2018) 11 SCC 1</li> <li>- Vijay Mandal Choudhary vs UOI 2022 SCC OnLine SC 929</li> <li>- P. Chidambaram v. Directorate of Enforcement (2019) 9 SCC 24</li> <li>- Manish Sisodia v. Directorate of Enforcement, 2023 SCC OnLine Del 3770</li> <li>- Arvind Kejriwal Trilogy <ul style="list-style-type: none"> <li>o Arvind Kejriwal v. Directorate of Enforcement, 2024 SCC OnLine SC 1703 (Section 19, PMLA's interpretation and Necessity to Arrest in PMLA)</li> </ul> </li> </ul>

WEEK	TOPIC	ESSENTIAL READING
		<ul style="list-style-type: none"> <li>○ Enforcement Directorate v. Arvind Kejriwal, 2024 SCC OnLine Del 4421 (Stay of Bail Order)</li> <li>○ Arvind Kejriwal v. CBI, 2024 SCC OnLine Del 5316 (Powers of Arrest under Section 41 and Necessity of Arrest)</li> </ul>
9-10	<b>BAIL UNDER THE JUVENILE JUSTICE ACT, 2015</b>	<p><b><u>MODULE 6: BAIL UNDER THE JUVENILE JUSTICE ACT, 2015</u></b></p> <p>This week will involve the study of provisions of the Juvenile Justice Act, 2015. We will study the reasons and objectives behind the enactment of the Act and scope of bail thereunder. We will also evaluate the definitions of a ‘child’ and of ‘apprehension’ of children in need of care and children in conflict with law.</p> <p><b>Statute:</b></p> <ul style="list-style-type: none"> <li>- The Juvenile Justice Act, 2015, especially, Section 12</li> </ul> <p><b>Cases:</b></p> <p><b>Anticipatory Bail:</b></p> <ul style="list-style-type: none"> <li>- Piyush vs. State of Haryana 2021 SCC Online P&amp;H 3076</li> <li>- Kureshi Irfan Hasambhai v. State Of Gujarat [Criminal Misc. Application No. 6978 Of 2021]</li> </ul>

WEEK	TOPIC	ESSENTIAL READING
		<ul style="list-style-type: none"> <li>- Exploitation of Children in Orphanages in the State of T.N., In re, (2020) 14 SCC 327</li> <li>- Mohammad Bin Ziyad vs. State of Telangana and another WP No.12422 OF 2021</li> <li>- Ankesh Gurjar V. State of M.P. MANU/MP/0205/2021</li> <li>- Jatin v. State of Punjab 2024 NCPHHC 76452</li> </ul> <p><b>Regular Bail:</b></p> <ul style="list-style-type: none"> <li>- Harpreet Singh @ Happy v. State of Punjab (CRM-M 26288/2020)</li> <li>- Ayaan Ali v. State of Uttarakhand 2022 SCC OnLine Utt 7</li> <li>- Raju @ Ashish v. State of U.P. 2018 SCC Online All 310</li> <li>- Omprakash v State of Rajasthan and Another (2012) 5 SCC 201</li> <li>- Amaresh Mitra v State of Odisha 2021 SCC Online Ori 2204</li> <li>- Ritesh v. State of M.P., (2011) 4 MP LJ 226</li> <li>- Vikas v. State of MP 2020 SCC ONLINE MP 4603</li> <li>- Re Exploitation Of Children In Orphanages In The State Of Tamil Nadu v. Union Of India &amp; Ors. (2020) 14 SCC 32</li> <li>- Jiva Kumar Harijan v. State of Maharashtra 2016 SCC Online Bom 6928</li> <li>- Pooja Gagan Jain v. State of Maharashtra 2024 SCC Online Bom 190 (Pune Porsche Case)</li> </ul>

WEEK	TOPIC	ESSENTIAL READING
		<ul style="list-style-type: none"> <li>- Prahlad Singh Parmar vs The State Of Madhya Pradesh CRR-3085-2021</li> </ul> <p><b>Tried as an adult and bail as a child:</b></p> <ul style="list-style-type: none"> <li>- CCL A v. NCT (19.10.2020 — Justice Bhambani, Delhi HC)</li> <li>- Master Bholu v. State of Haryana (Tried as an Adult and its implication on bail)</li> </ul>
		<ul style="list-style-type: none"> <li>- Gangadhar Narayan Nayak vs State of Karnataka Appeal (Crl.), 451 of 2022 (Split Verdict)</li> <li>- Sunil Mathew vs State Of Kerala CRL.MC NO. 979 OF 2024</li> </ul> <p>(Redacted judgments will also be referred to which form part of the class notes)</p> <p><b><u>Compounding of Sexual Offences/ Quashing in Child Sexual Victims Cases</u></b></p> <ul style="list-style-type: none"> <li>- Ramji Lal Bairwa v. State of Rajasthan, (2025) 5 SCC 117</li> <li>- Taj and Another v State of Maharashtra (Criminal Application (APL) No. 988 of 2019)</li> <li>- Saurabh Versus State Govt. of NCT of Delhi and Anr. CRL. M.C. 8422/2025</li> <li>- Rajesh V. State of Karnataka (Criminal Petition No. 3723 of 2025)</li> <li>- Rahul Thakur and Others Versus State of H.P. and Others</li> </ul>

WEEK	TOPIC	ESSENTIAL READING
		<ul style="list-style-type: none"> <li>- Rojalin Rout and Another Versus State of Odisha and Another CRLMC No. 3657 of 2023</li> <li>- Mohan Maruti Jadhav V/s. The State of Maharashtra &amp; Anr.</li> </ul>
11-12	<b>BAIL AND NDPS</b>	<p style="text-align: center;"><b><u>MODULE 7: BAIL AND NDPS</u></b></p> <p>This week will introduce the bail provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985. We will study the concepts of consumption, abating consumption, sale and transaction of listed narcotic drugs. We will also be understanding the various rules of presumptions which are unique to the NDPS Act.</p> <p><b>Statute:</b></p> <ul style="list-style-type: none"> <li>- The Narcotic Drugs and Psychotropic Substances Act, 1985, especially, Section 37.</li> </ul> <p><b>Cases:</b></p> <ul style="list-style-type: none"> <li>- Karishma Prakash v. Union of India (Pending)</li> <li>- Rhea Chakraborty v. Union of India, 2020 SCC OnLine Bom 925 and UOI v. Rhea Chakraborty, Special Leave to Appeal (Crl.) 2127/2021</li> <li>- Union Of india v. Vigin K. Varghese SLP Crl. No. 7768 of 2025</li> </ul> <p>Section 37:</p>

WEEK	TOPIC	ESSENTIAL READING
		<ul style="list-style-type: none"> <li>- Maktool Singh vs. State of Punjab (1999) SCC 321</li> <li>- Aryan Shah Rukh Khan v. Union of India 2021 SCC OnLine Bom 412</li> <li>- Union of India v. Prateek Shukla, (2021) 5 SCC 430</li> <li>- Narcotics Control Bureau v. Mohit Aggarwal, (2022) 18 SCC 374</li> <li>- Mohd. Muslim @ Hussain v State (NCT of Delhi) (2023) 18 SCC 166</li> <li>- NCB v Kashif (2024) 11 SCC 372</li> <li>- Narcotics Control Bureau v Lakhwinder Singh 2025 SCC OnLine SC 366</li> <li>- Union of India v. Vigin K Varghese 2025 SCC OnLine SC 2440</li> </ul>
12	<b>COGNIZABLE – BAILABLE OR NON-BAILABLE IN TERMS OF NDPS AND POCSO</b>	<b>Module 8:</b> <b>Offences punishable with less than 3 years, cognizable? (POCSO)</b> <ul style="list-style-type: none"> <li>- Santosh Kumar Mandal v. State, 2016 SCC Online Del 5378</li> <li>- R.K. TARUN v. UNION OF INDIA &amp; ORS. (2022). W.P.(C)-5434/2017</li> <li>- Karishma Prakash v. Union of India (Pending)</li> <li>- Rhea Chakraborty v. Union of India, 2020 SCC OnLine Bom 925</li> </ul>
13	<b>BAIL AND UAPA</b>	<b><u>MODULE 9: BAIL AND UAPA</u></b>

WEEK	TOPIC	ESSENTIAL READING
		<p>This week will introduce the bail provisions of the UAPA. We will analyze Section 43D and evaluate case laws to understand how reluctant courts are in granting bail to accused persons charged under UAPA. We will also look at the practice of how courts grant bail only in exceptional cases and condition bail orders by stating that the same cannot be used as precedent.</p> <p><b>Statute:</b></p> <ul style="list-style-type: none"> <li>- The Unlawful Activities Prevention Act, 1967, especially, Section 43D.</li> </ul> <p><b>Cases:</b></p> <ul style="list-style-type: none"> <li>- Angela Harish Sontakke v. State of Maharashtra, (2021) 3 SCC 723</li> <li>- NIA v. Zahoor Ahmad Shah Watali, (2019) 5 SCC 1</li> <li>- Hitender Thakur vs. State of Maharashtra (1994) 4 SCC para 13 &amp; 14</li> <li>- Union of India v. K.A. Najeeb, (2021) 3 SCC 713</li> <li>- Tanha v. NIA, 2021 SCC OnLine Del 3253</li> <li>- Sudha Bharadwaj v. NIA, 2021 SCC Online Bom 4568</li> </ul> <p><b>Readings:</b></p> <ul style="list-style-type: none"> <li>- Abhinav Sekhri, <i>A Curious Constitutionalism – Sheikh Javed Iqbal and Bail in UAPA Cases</i>, THE PROOF OF GUILT (July 19, 2024),</li> </ul>

WEEK	TOPIC	ESSENTIAL READING
		<p><a href="https://theprooffofguilt.blogspot.com/2024/07/a-curious-constitutionalism-sheikh.html">https://theprooffofguilt.blogspot.com/2024/07/a-curious-constitutionalism-sheikh.html</a>.</p> <p>- Abhinav Sekhri, <i>Bail in Terror Cases: Zahoor Watali, and the Fault Lines in the UAPA</i>, THE PROOF OF GUILT (Apr. 11, 2019), <a href="https://theprooffofguilt.blogspot.com/2019/04/bail-in-terror-cases-zahoor-watali-and.html">https://theprooffofguilt.blogspot.com/2019/04/bail-in-terror-cases-zahoor-watali-and.html</a>.</p>
14	<b>REVISION WEEK</b>	[NOTE: There shall be teaching classes scheduled during the fourteenth week subject to the JGU Academic Calendar circulated by the Office of the Registrar, JGU and any official declaration of non-working days by the JGU Registrar.]

Note:

The redacted copies and/or case-briefs are provided as part of the reading material by the course-instructor.

Recommended Books:

Tareekh pe Justice, Jain and Reddy (available in the library)