REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

MANISH SISODIA V. DIRECTORATE OF ENFORCEMENT (2024)

BENCH: Mr. Justice B.R. Gavai & Mr. Justice K.V. Viswanathan **DECIDED:** August 9, 2024

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Prolonged pre-trial detention violates Article 21 and overrides statutory twin conditions under Section 45 PMLA and Section 43D(5) UAPA.

1. Factual Matrix & Background:

The appellant had been incarcerated for 17 months in the Delhi excise policy cases registered by CBI and ED. With 493 witnesses and thousands of documents, trial had not commenced. Lower courts refused bail citing Section 45 PMLA twin conditions.

2. Substantive Legal Questions Framed:

Whether prolonged pre-trial incarceration without reasonable prospect of timely trial commencement overrides the statutory restrictions on bail under Section 45 PMLA.

3. Analysis & Ratio Decidendi:

The Supreme Court granted bail, holding that the right to a speedy trial is a fundamental right under Article 21. When there is no realistic prospect of the trial concluding within a reasonable time due to voluminous evidence and hundreds of witnesses, statutory bars such as Section 45 PMLA must yield to Article 21. Prolonged incarceration cannot be justified as pre-trial punishment.

4. Principles Enunciated:

- 1. Right to speedy trial under Article 21 overrides statutory restrictions on bail.
- 2. Section 45 PMLA twin conditions cannot become an instrument of indefinite detention.
- 3. Pre-trial detention cannot be allowed to degenerate into punishment without conviction.

5. Practical Litigation Implications:

- In special statute prosecutions (PMLA/UAPA/NDPS), establish the ratio of witnesses to court trial pace to argue breach of speedy trial rights under Article 21.

.....J.
[SUPREME COURT BENCH]