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A Compilation of Legal Updates and Relevant Judgments

S.No.	Title of the Judgment	Citation	Rationale of the Judgment
1.	CBI v Anil Dixit	2026 INSC 1064	i. The accused could inspect unrelayed upon documents and seek for production of the specific document required at the appropriate time, for which purpose the CBI shall keep the files ready at the time of trial. ii. The CBI necessarily cannot produce documents which are not available with them.
2.	State of Maharashtra & Anr. v Momin Moiuddin Gulam Hasan @ Moin Mistri	2026 INSC 1021	The second extension under Section 43D of the UAPA was valid because investigation was still incomplete and sanction is not required for filing a charge sheet.
3.	Jaskaran Jeet Singh v State of Punjab	2026 INSC 1022	An accused who has suffered breach of Article 22(1) and 22(2) cannot be automatically re-arrested; judicial sanction and procedural safeguards are mandatory.
4.	Abdul Rajik v State of M.P. & Govind v State of M.P	2026 INSC 1001	Once the FSL report is excluded from consideration, there is no other legally admissible evidence available to establish that the substance allegedly recovered from the accused-appellants was charas within the meaning of Section 2(iii)(a) of the NDPS Act so as to attract the penal consequences under Section 20.
5.	X v State of Bihar	2026 INSC 728	i. Section 302 of the IPC is a heinous offence under the JJ Act. ii. It is the discretion of the Sessions Court to seek assistance from an expert under section 101(2) of the JJ Act. iii. For preliminary assessment, the JJB must assess all the material together, keeping in mind the four parameters stipulated under section 15 of the JJ Act.
6.	State of Punjab v Balraj Singh @ Billa	2026 INSC 618	i. The twin conditions under section 37 of the NDPS Act are mandatory for consideration of a bail application. ii. 1 year 7 months is not prolonged incarceration when the expected maximum punishment, if the accused is found guilty, is a maximum sentence of twenty years. iii. In case of conflict between the sovereignty of country and personal liberty, the former shall prevail.

I. SUPREME COURT

1. CBI v Anil Dixit, 2026 INSC 1064

- **Brief Facts:** The case relates to an alleged conspiracy to award consultancy work for the campus of Jharkhand Central University on the basis of allegedly fake documents, causing a loss of nearly ₹1.92 crore. The accused filed an application under Section 91 of the CrPC seeking for certain documents, including unrelayed documents seized during investigation. The CBI challenged the orders of Special Court and High Court directing it to produce some documents, specifically 'unrelayed' upon documents, at the stage of framing of charges.
- **Issue(s):**
 - a. Whether an accused is entitled to inspect and subsequently seek production of documents collected during investigation but not relayed upon by the prosecution.
 - b. If so, at what stage and by what procedure could the documents be sought for by the accused?
 - c. Whether the CBI should produce documents that are not available with them, but sought for by the accused.
- **Order:**
 - a. The accused could examine unrelayed upon documents and seek for production of the specific document required at the appropriate time, when the appropriate witness is being examined either by the prosecution or the defence, for which purpose the CBI shall keep the files ready at the time of trial.
 - b. Alternatively, the CBI could permit the accused or his authorised representative to specify the particular document required, at the time of inspection; reduced to writing and signed by both parties, which shall also be produced before the Trial Court without any delay, which documents specified alone need be kept available, in the Court at the time of trial.
 - c. The documents which are not available with the CBI necessarily cannot be produced by them.
- **Outcome:** The appeal was disposed of.

2. State of Maharashtra & Anr. v Momin Moiuddin Gulam Hasan @ Moin Mistri, 2026 INSC 1021

- **Brief Facts:** An FIR was registered on 21.09.2022 against the respondents and others under IPC Sections and UAPA. The respondents were arrested on 22.09.2022. The 90-day period for filing the charge sheet expired on 20.12.2022. The Special Judge granted a 30-day extension on 17.12.2022. A second extension of 15 days was sought on 12.01.2023 and allowed on 18.01.2023. The respondents filed a default bail application on 20.01.2023, which was dismissed as premature. The charge sheet was filed on 02.02.2023. The High Court held the second extension illegal on the ground that sanction under Section 45 of the UAPA was pending and default bail had accrued. The State appealed to the Supreme Court.
- **Issue(s):**
 - a. Whether the second extension of time under Section 43D of the UAPA was valid.
 - b. Whether the investigation was complete when the extension was sought.
 - c. Whether pending sanction under Section 45 of the UAPA is a valid ground for extension of time to file charge sheet.
 - d. Whether the respondents were entitled to default bail.
 - e. Whether the High Court could curtail the police's power to investigate.
- **Judgment:**
 - a. Default bail under Section 167(2) of the CrPC read with Section 43D of the UAPA accrues only if charge sheet is not filed within the statutory or validly extended period.
 - b. Section 43D of the UAPA permits extension of time beyond 90 days up to 180 days if investigation is not complete.
 - c. Pending sanction under Section 45 of the UAPA is not a valid ground for extension of time to file charge sheet.
 - d. Sanction under Section 45 of the UAPA is required for taking cognizance, not for filing charge sheet.
 - e. Investigation is the exclusive domain of the police; courts cannot curtail it except in exceptional cases.
 - f. A stray statement in an application seeking extension of time to file the charge sheet cannot be read in isolation to conclude that the investigation is complete.
 - g. Orders must be read as a whole and in context, not in piecemeal.
 - h. Charge sheet is the final report under Section 173(2) of the CrPC; investigation ends with its filing.
- **Outcome:**
 - a. The criminal appeal was allowed.
 - b. The impugned High Court judgment was set aside.
 - c. The Special Judge's order granting second extension was held legal and valid.
 - d. The default bail application was dismissed.
 - e. Respondent No. 1 was ordered to surrender within 30 days, and may pray for regular bail if advised.

3. Jaskaran Jeet Singh v State of Punjab, 2026 INSC 1022

- **Brief Facts:** The appellant was arrested for offences under the POCSO Act and was produced before the Magistrate beyond 24 hours. He was not furnished written grounds of arrest. The Magistrate released him, observing non-compliance with *Mihir Rajesh Shah*. However, the Magistrate clarified that the investigating agency could proceed in accordance with law. The same officer immediately moved a fresh application for custody, which was dismissed, as grounds of arrest were still not furnished. The High Court dismissed the appellant's petition seeking protection from re-arrest. The appellant appealed to the Supreme Court.
- **Issue(s):**
 - a. Whether an accused who has suffered breach of Article 22(1) and 22(2) can be re-arrested for the same offence.
 - b. What procedure must be followed by the investigating agency for re-arrest after such constitutional violations?
 - c. Whether the High Court erred in permitting the investigating agency to seek re-arrest without judicial sanction.
 - d. Whether compensation can be awarded for violation of Article 22(2).
- **Judgment:**
 - a. When it comes to the re-arrest of the accused who is released from custody for breach of Article 22(1), if on re-release the investigating agency is of the opinion that, for furthering the course of investigation, it is necessary to have custodial interrogation of the accused, the investigating agency has to file an application before the concerned Magistrate for custody mentioning the reason for re-arrest of the accused, and necessity for the same.
 - b. The application will also contain the explanation for non-supply of the grounds of arrest at the first instance. However, this application can only be moved after furnishing the grounds of arrest to the accused. Such an application must have the endorsement of the immediate senior authority.
 - c. On receipt of such application, the concerned Magistrate shall decide the same expeditiously and as directed in *Mihir Rajesh Shah*, preferably within a week of its submission by adhering to the principles of natural justice.
 - d. If the Magistrate is satisfied for bona fide reasons that the grounds of arrest could not be furnished to the arrestee at the first instance, but furnished subsequent to this release, and on further satisfaction that the accused needs to be re-arrested, he may pass an order permitting the investigating agency to re-arrest.
 - e. On the administrative side, when the superior authority is presented with an application taking an endorsement for the custody of the accused who has been released for violation of Article 22(1), he shall hand over the investigation of the case to another officer, further directing department inquiry for such a serious lapse. If the inquiry culminates in adverse findings against the police officer, it would entail departmental action with entry in the service book of the officer.

f. Additionally depending upon the facts and circumstances, the High Courts may direct payment of compensation as a part of public law remedy in case of violation of Article 22(2) of the Constitution with liberty to the accused to avail the remedy under private Civil Law.

▪ **Outcome:**

- a. The appeal was allowed.
- b. The High Court's order and the observations of Magistrate were set aside.

4. Abdul Rajik v State of M.P. & Govind v State of M.P., 2026 INSC 1001

- **Brief Facts:** A raiding party allegedly apprehended the appellants at a public road junction in Jabalpur and found black, wick-shaped material wrapped in polythene. The officer burnt a small piece and suspected the material to be charas weighing 1.800 kg. It was subsequently identified as charas by the FSL. The panch witnesses associated with the seizure did not support the prosecution and were declared hostile. The prosecution relied on police witnesses, particularly the seizure officer. The trial court accepted its version and imposed rigorous imprisonment of eight years on one appellant and ten years on the other, along with fines and default imprisonment. Their appeals were dismissed by the High Court. Before the Supreme Court, the appellants challenged the credibility of the recovery and alleged non-compliance with Sections 42, 50 and 52A of the NDPS Act. They alternatively sought reduction of their sentences to the period already undergone.
- **Issue(s):**
- a. Whether the prosecution established an unbroken chain of custody connecting the seized contraband with the samples examined by the FSL.
 - b. Whether the absence of proper identification marks, signatures and corresponding maalkhana records affected the evidentiary value of the seized samples.
 - c. Whether total non-compliance with Section 52A of the NDPS Act was a relevant factor in determining whether the samples remained safe and secure.
 - d. Whether the prosecution report could be relied upon when the prosecution failed to establish the identity, sealing and safe custody of the samples from seizure until their receipt at the laboratory.
 - e. Whether the prosecution proved that the substance allegedly recovered from the appellants was charas so as to sustain their convictions under the NDPS Act.
- **Judgment:**
- a. The prosecution must prove that samples taken from seized contraband were properly sealed and safely preserved until their receipt at the FSL. Proper identification marks and signatures on sample packets are important for establishing their identity.

- b. An unexplained gap in custody can seriously undermine the integrity of the samples. The prosecution must establish reliable link evidence connecting the seized contraband with the samples examined by the laboratory. Maalkhana records can provide important documentary evidence regarding the safe custody and movement of samples.
- c. Non-examination of the person who allegedly transported the samples may create an additional evidentiary gap.
- d. Mere delay or minor non-compliance with Section 52-A does not automatically entitle an accused to acquittal. No effort had been made to draw representative samples in a Magistrate's presence, amounting to total non-compliance with Section 52-A. However, total non-compliance, combined with deficiencies in sealing, identification and safe custody, can seriously undermine the prosecution case.
- e. An FSL report cannot cure a completely broken chain of custody. The prosecution must establish that the substance examined by the FSL was the same substance allegedly recovered from the accused.
- f. The link evidence had completely failed in the present case, the Court discarded the FSL report. It also rejected the seizure officer's burning-based identification because no scientific or other reliable material supported it.

▪ **Outcome:** The convictions of Abdul Rajik and Govind were set aside.



5. X v State of Bihar, 2026 INSC 728

- **Brief Facts:** The case arose from allegations of murder, where the Juvenile Justice Board had, by majority, decided that the child need not be tried as an adult. But the appellate court reversed that decision and directed transfer of the matter to the Children's Court to try the appellant as an adult. The appellant then approached the Supreme Court.
- **Issue(s):**
 - a. Whether an offence prescribing punishment of "death or imprisonment for life" could be said to be an offence falling within the phrase "maximum imprisonment for a term more than seven years but no minimum imprisonment" under Section 2(54) of the JJ Act.
 - b. Whether, the expression, "may" used in sub-section (2) of Section 101 of the JJ Act should be construed as mandatory or directory.
 - c. What type of material and other factors should be considered by the Juvenile Justice Board while conducting a preliminary assessment under Section 15 of the JJ Act?
- **Judgment:**
 - a. The offence punishable under Section 302 of the IPC, which prescribes punishment of "death or imprisonment for life", carries life imprisonment as its minimum punishment. It would therefore be categorized as a "heinous offence".
 - b. The power vested in the Sessions Court as an appellate court is to be exercised having regard to the object of the statute, the provision concerned, and upon an examination of the totality of facts. The Sessions Court may exercise its power under Section 101(2) of the JJ Act where the circumstances occasion the necessity of assistance from an expert.
 - c. For the JJ Board to arrive at its conclusion at the end of the preliminary assessment, it is not bound by any opinion or recommendation and must independently apply its mind to all the material available to it. In order to arrive at a conclusion, it must assess all the material together, keeping in mind the following four parameters stipulated under Section 15 of the JJ Act.
 - i. The mental capacity of the child in conflict with law to commit the alleged offence;
 - ii. The physical capacity of the child in conflict with law to commit the alleged offence;
 - iii. The ability of the child in conflict with law to understand the consequences of the offence;
 - iv. The circumstances in which the child in conflict with law committed the alleged offence.
- **Outcome:**
 - a. No error of law had been committed by the High Court in affirming the order directing that the appellant be tried as an adult.
 - b. The appeal was dismissed.

6. State of Punjab v Balraj Singh @ Billa, 2026 INSC 618

- **Brief Facts:** Two accused persons were charged under the NDPS Act after recovery of 1.465 kg heroin. The respondent was arrayed as an accused on the basis of disclosure that he had directed the co-accused to collect and keep the heroin for further supply while he was lodged in Central Jail. The investigation indicated that he was operating a drug trafficking network from inside jail using illegal mobile phones. The Special Court rejected his bail application, but the Punjab and Haryana High Court granted regular bail on the ground of custody period and likely delay in trial. The State of Punjab approached the Supreme Court challenging the High Court's bail order.
- **Issue(s):** Whether the order granting bail of the High Court is in consonance with the settled principles of law concerning Section 37 of the NDPS Act.
- **Judgment:**
 - a. As the case involves commercial quantity of narcotics, reference to the twin conditions enumerated under Section 37 of the NDPS Act was mandatory. The High Court did not consider the twin conditions.
 - b. There are antecedents involving commission of offences of the very same nature under the NDPS Act. Therefore, it cannot be said that he is not likely to commit such an offence while on bail.
 - c. The respondent has only undergone 1 year 7 months, and if found guilty a maximum sentence of twenty years may be imposed upon him. Therefore, it cannot be said that he has suffered incarceration for a long period. There is no doubt that what constitutes "prolonged incarceration" for the purposes of bail, has not been expounded by this Court or the law of the land.
 - d. Should there be any conflict between the sovereignty of country and personal liberty, undoubtedly, the former shall prevail, particularly, when a war is waged against the nation, be it in the form of supply of drugs, which vitally affects the national economy and health of the people.
- **Outcome:**
 - a. The appeal was allowed.
 - b. The High Court's order was set aside.





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