

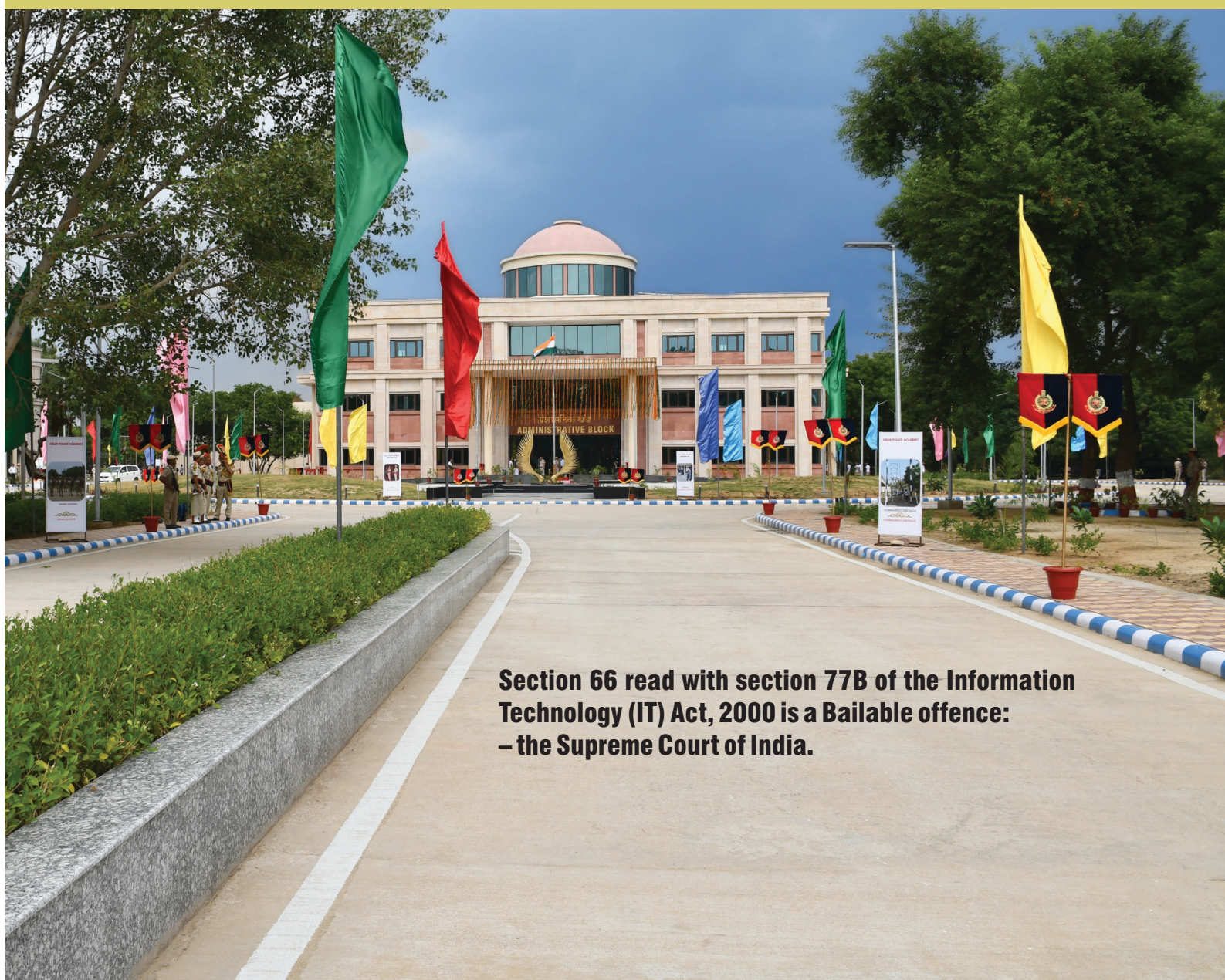
# THE LAW LEDGER

The Fortnightly e-journal

## DELHI POLICE ACADEMY

Special Leave Petition (Crl.) (6547 of 2026)  
Date of Judgment: 16/07/2026

43<sup>rd</sup> Edition  
September 2026



**Section 66 read with section 77B of the Information Technology (IT) Act, 2000 is a Bailable offence:  
– the Supreme Court of India.**

**Maharaj Saran. .... Appellant(s)**  
**V/s**  
**The State of Punjab & Ors. .... Respondent(s)**

# THE LAW LEDGER

The e-journal

## DELHI POLICE ACADEMY



[Click here to Read the Complete Judgement](#)

**Section 66 read with section 77B of the Information Technology (IT) Act, 2000 is a Bailable offence:  
– the Supreme Court of India.**

**Maharaj Saran. .... Appellant(s)  
V/s  
The State of Punjab & Ors. .... Respondent(s)**

**Special Leave Petition (Crl.) (6547 of 2026)  
Date of Judgment: 16/07/2026**



## Act and Section involved

66 & 77B of Information Technology (IT) Act, 2000

## Facts of the case

A case vide FIR No. 07/2024 dt. 07/11/2024, u/s 66, 72 & 84C of the Information Technology (IT) Act and 78(1)(ii) Bharatiya Nyaya Sanhita was registered at PS Cyber Crime, District Fazilka, Punjab. The appellant's son (the detenu) was intercepted and detained at an airport on 13/12/2024, following a Look Out Circular (LOC) issued against him. The appellant filed a writ petition for Habeas Corpus in the High Court seeking his son's release. The High Court observed that Section 66 of the IT Act has not been defined as a Bailable offence under the IT Act. The appellant approached the Supreme Court against this order of High Court.

## Issue Involved

Whether Section 66 of the Information Technology Act, 2000, which carries a maximum punishment of 3 years constitutes a Bailable offence?

## Judgement

Hon'ble Supreme Court held that the nature of the offence under Section 66 of the Information Technology Act, 2000 has to be determined by reading it with Section 77B of the Act. Accordingly, the High Court's observation that Section 66 was not a bailable offence, was set aside.

Note: Section 77B of the IT Act classifies an offence punishable with **three years' imprisonment** as bailable, while an offence punishable with **more than three years** as cognizable and non bailable. As Section 66 prescribes imprisonment **up to three years**, the offence is bailable. The ratio is confined to the statutory scheme of **Sections 66 and 77B of the IT Act** and cannot be mechanically extended to other Special Acts. The bailable or non-bailable nature of an offence must be determined **offence-wise and statute-wise**, having regard to the applicable Special Act, and where relevant, the **Bharatiya Nagarik Suraksha Sanhita, including its Second Schedule**, subject to constitutional safeguards governing personal liberty.

