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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 1481/2020**

DIRECTORATE GENERAL OF GST INTELLIGENCE

.....Petitioner

Through: None.

versus

VIKAS CHOWDHARY & ANR.Respondents

Through: Mr. Shadman Ahmed
Siddiqui, Mr. Vaibhav
Prasad Singh & Mr. Anitej
Singh Yadav, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **14.10.2025**

1. None appears for the petitioner / department.
2. The present petition was filed way back in the month of May, 2020 seeking cancellation of bail granted to the respondents by impugned order dated 23.03.2020.
3. It was noted on the last date of hearing that the complaint has since been filed on which cognizance has also been taken.
4. The respondents were admitted on bail by the learned Trial Court after noting that they had been in custody since 07.03.2020. The learned Trial Court also took note of the proceedings before the Hon'ble Supreme Court in which order was passed directing Finance Ministry to not take coercive steps against the respondents by way of arrest. The learned Trial Court also took note of the statement made by the counsel for the respondents that the Input Tax Credit ('ITC') of ₹25 crores was lying in the account which could be reversed and that an amount



of ₹5 crores has already been blocked by the department.

5. The allegations relate to fraudulent avilment of ITC on the invoices of non existing and fictitious firms.

6. At no stage of proceedings before this Court, it has been alleged by the petitioner department that the respondents have misused the liberty in any manner.

7. The matter has been pending for the last more than five years and no serious efforts have also been made by the petitioner department to address arguments. The respondents cannot be subjected to custody after more than five years, especially when the department itself has taken no active steps to pursue the present case and since the proceedings in the complaint have advanced since then as well.

8. Having sought an adjournment on the last date of hearing, today also none has appeared on behalf of the petitioner department.

9. In view of the above, this Court does not consider it apposite to keep the present petition pending.

10. The petition is, therefore, dismissed.

AMIT MAHAJAN, J

OCTOBER 14, 2025

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