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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 21.11.2025*+ **BAIL APPLN. 2716/2025**

MOHAN KUMAR

.....Petitioner

Through: Mr. Roopansh Purohit, Mr.
Praveen Dabas, Mr. R.K
Shokeen and Ms. Narayani
Sepaha, Advocates.

versus

STATE (GNCT) OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the
State.
Mr. Vikas Sharma and Mr.
Ashutosh, Advocates for
complainant.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J. (Oral)**

1. By way of this application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 172/2022, registered at Police Station E.O.W., Delhi for the commission of offence punishable under Sections 420/406/120B of the Indian Penal Code, 1860 (hereafter '*IPC*').

2. Briefly stated, the present FIR was registered on the complaint of Sh. Ravinder Singh, partner of RJ Bright Enterprises. It was alleged that on 27.08.2021, the complainant had been introduced to



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the present accused Mohan Kumar at Hotel Lalit, New Delhi, by one Girish Pokhriyal. The accused had represented himself as the sole proprietor of M/s Universal Distributors, claimed to be a director in various companies, and had stated that he was engaged in obtaining liquor licences from Excise Departments of different states. The accused had further misrepresented that the Excise Department of GNCTD had allotted two zones i.e. Zone 19 and Zone 29 to his firm for opening 54 wine and beer shops. On this representation, he had assured the complainant of a profit margin of 30-40% and offered to allot three shops to him at the rate of Rs. 1.25 crore per shop. Relying on these statements, the complainant and his partners had transferred Rs. 2,20,00,000/- through banking channels into the account of M/s Universal Distributors between 08.10.2021 and 11.11.2021. They had also handed over cash amounts of Rs. 50,00,000/- on 07.10.2021 and Rs. 30,00,000/- on 11.10.2021 against receipts issued by the accused, apart from Rs. 2,00,000/- paid as token money on 27.08.2021. It is alleged that after receiving the money, the accused had kept delaying the allotment of shops and avoided the complainant. On inquiry, the complainant had discovered that the entity actually granted licence by the Delhi Excise Department was a different partnership firm with 20 partners, with which the accused had no connection. Based on these facts, the present FIR came to be registered. The applicant herein was arrested on 15.12.2023; he was granted interim bail from 06.06.2025 to 20.07.2025.

3. During the course of investigation, it has emerged that the



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applicant had executed receipts for cash payments, and various documents relating to the alleged transaction were seized. It has further been revealed that the applicant had no connection with the Delhi-based entity legitimately holding the liquor licence and had instead used a similarly named proprietorship firm registered in Bihar to defraud the complainant. The investigation has also indicated large-scale diversion and siphoning of the transferred amount through multiple bank accounts linked to the applicant and his associates.

4. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated, as no liquor licences under the Delhi Excise Policy had been issued at the relevant time, which makes the allegations inherently improbable. It is submitted that the monetary transactions in question were voluntarily undertaken by the complainant for business ventures of Universal Distributors/Nick Mahua, and there was no dishonest inducement on the part of the applicant. The learned counsel further submits that the investigation *qua* the applicant already stands completed and the charge sheet has been filed, and therefore, no further custodial interrogation is required. It is contended that the trial has not commenced as the FSL report is still awaited, and that the interim bail granted to the applicant by the learned Sessions Court earlier for facilitating a settlement was duly complied with and not misused. The learned counsel also points out that the applicant has already been granted regular bail in two other FIRs registered against him, one in Delhi and another in Madhya Pradesh. It is contended that the applicant has



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remained in judicial custody for about 1 year and 9 months and therefore, he be granted regular bail.

5. *Conversely*, the learned APP for the State, duly assisted by the learned counsel appearing for the complainant, argues that the allegations against the applicant are serious in nature, as he had falsely projected himself as being connected with the Delhi-based licensee under the Excise Policy and had induced the complainant to part with about Rs. 3.2 crore on the pretext of allotting three liquor shops. It is further pointed out that while the genuine licensee, M/s Universal Distributors, was a Delhi-based partnership firm, the applicant had used an identically named proprietorship entity registered in Bihar to receive the complainant's funds, which were thereafter diverted and siphoned off into multiple accounts. It is submitted that the applicant's specimen handwriting and signatures, along with the agreement dated 07.10.2021 allegedly executed by him, have been sent to FSL for examination, and the report is still awaited. It is also argued that investigation is still pending regarding the role of co-accused Anil Kumar Sinha and Ms. Swarnima Sinha, wife of the applicant, as well as the flow of funds to M/s Orifice Fincon Pvt. Ltd. It is further contended that the applicant had previously misused the liberty granted to him while on interim bail and that two other criminal cases involving similar economic offences are also pending against him. It is therefore prayed that the present bail application be dismissed.

6. This Court has **heard** arguments addressed on behalf of the



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applicant as well as the State, and has perused the material available on record.

7. Having considered the material on record and the rival submissions, this Court notes that the allegations against the applicant, *in brief*, are that he had falsely represented himself as being connected with the Delhi-based licence holder under the Excise Policy and induced the complainant to part with an amount of about Rs. 3.02 crore on the pretext of allotment of three liquor shops. The investigation has revealed that the genuine licence for Zone 29 and other related zones had been issued in favour of a Delhi-based firm, M/s Universal Distributors, which is a partnership concern of 20 partners, and that the applicant had no association with that entity. Instead, he had been operating a separate proprietorship concern in Bihar under the identical name, M/s Universal Distributors, which was registered shortly before the alleged transaction, and he had used the said entity and its bank account to receive the complainant's funds.

8. This Court further notes that the analysis of various bank accounts obtained during the investigation has revealed that substantial amounts were diverted and siphoned off. Out of the sum of Rs. 2.20 crore transferred through banking channels, Rs. 1.21 crore was transferred to the account of M/s NeekMahua TV Pvt. Ltd., where the applicant and co-accused Anil Kumar Sinha are directors. Further amounts were transferred to M/s Orifice Fincon Pvt. Ltd., and to the personal accounts of the applicant and his wife, Ms. Swarnima



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Sinha. The remaining amount was spent by the applicant on personal expenses and other transactions. The investigation has also shown that the applicant had used the funds routed through M/s NeekMahua TV Pvt. Ltd. to procure a liquor licence in the State of Madhya Pradesh.

9. During the investigation, the I.O. had seized the receipts of cash payments allegedly executed by the applicant and the agreement dated 07.10.2021. The applicant's specimen handwriting and signatures were obtained, and his admitted writings were collected from banks in Bangalore and Patna. All these documents have been sent to the FSL, and the FSL report is still awaited.

10. As set out in the status report and the chargesheet, the applicant had also led the investigating team to Hotel Lalit and Hotel Park, where he had pointed out the locations used for meetings with the complainant, which have been corroborated by the records of the said Hotels.

11. The role of co-accused Anil Kumar Sinha and Ms. Swarnima Sinha, as well as the flow of funds into certain entities, is still being examined and a supplementary charge sheet is yet to be filed on these aspects.

12. *Pertinently*, the record also shows that the applicant is involved in two other criminal cases of a similar nature – FIR No. 349/2022 at P.S. Ravji Bazar, Indore, and FIR No. 664/2022 at P.S. Raj Park, Delhi. Though the applicant has been released on regular bail in both these cases, it is relevant to note that he had been incarcerated for



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more than two years in both these cases before being granted bail, and trial in those matters had already begun. While in the case arising out of FIR No. 664/2022 registered at P.S. Raj Park, Delhi, all public witnesses stood examined, in FIR No. 349/2022 at P.S. Ravji Bazar, Indore, Madhya Pradesh, at least three prosecution witnesses had been examined. However, in the present case, the charges are yet to be framed and the material witnesses are yet to be examined. The amount involved in the present case is also much higher than the amounts involved in the other two cases. Thus, the contention that the applicant should be granted bail in the present case as he has been released in other similar cases also, is unmerited.

13. Moreover, the order dated 11.07.2025 of the learned Sessions Court, rejecting applicant's bail, also records that interim bail was granted to the applicant in June, 2025 on the representation that he intended to settle the matter, but no genuine steps were taken in that regard, and the said liberty was misused by him.

14. In these facts and circumstances, this Court is of the opinion that the allegations in the present case *prima facie* disclose a carefully planned financial fraud involving impersonation, inducement, and large-scale diversion of funds. Economic offences of this nature, involving significant public impact and deliberate deception, have to be viewed seriously. The investigation is still in progress on important aspects, and the FSL report is awaited.

15. In these circumstances, and having regard to the nature and gravity of the allegations, the role attributed to the applicant, the



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ongoing investigation, his involvement in similar cases, and the fact that charges have not yet been framed and material witnesses are yet to be examined, this Court finds no ground to grant regular bail to the applicant at this stage.

16. The bail application is accordingly dismissed.

17. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

18. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

NOVEMBER 21, 2025/ns

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