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

\+ BAIL APPLN. 3028/2025 & CRL.M.(BAIL) 1698/2025

KULDEEP .....Petitioner

Through: Mr. Amit Chadha, Sr. Advocate with Mr. Anjani Kumar Rai, Ms Anadi Mishra, Mr. Atin Chadha, Ms. Munisha Chadha, Mr. Harjas Singh Chhatwal, Mr. Dhruv Tomar, Mr. Kartik Shoukeen and Mr. Eshaan Singh Advocates

versus

CBI .....Respondent

Through: Mr. Ripudaman Bhardwaj, SPP with Mr. Amit Kumar Rana, Advocate

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

O R D E R

% **09.10.2025**

1. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of Regular Bail on behalf of the **Applicant/Kuldeep** in FIR bearing RC No. RC2162024A0010 registered under Sections 61(2) BNS and Sections 7/7A/12 of the Prevention of Corruption Act, 1988

2. It is submitted that the Bail Application of the Applicant has been dismissed by learned ASJ on 30.07.2025.

3. It is submitted that the Applicant an H-Card holder appointed by E-Cargo Services Private Limited (a private entity) and is a *bona fide* resident of Delhi, with no criminal antecedents and having deep roots in society. He

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has been falsely implicated in this case and no specific role has been attributed to him in the entire FIR with respect to the transaction that led to the arrest of public officials/co-accused persons, alongwith other private individuals.

4. The *brief facts of the case* are that the secret information was received that co-accused Om Prakash Bisht, Deputy Commissioner, Mr. Amit Kumar, Superintendent and Sh. Bijender Kumar, Peon of Om Prakash Bisht, all posted in ICD, Tughlakabad, Delhi in connivance with each other, are in a habit of demanding and accepting bribe from various private parties for clearing the pending matters relating to Import-Export consignment and Custom Bonds. The public officials were doing such acts in conspiracy with private persons, namely, Mr. Ashok Yadav, Customs House Agent of M/s Ashoka Logistics Solution, Mr. Ravi Kant Mishra, an employee of M/s Ashoka Logistics, Mr. Umacharan Majhi, employee of M/s Radha Marketing and Mr. Kuldeep Kumar i.e. the Applicant herein.

5. The information further revealed that Bijender Kumar, Peon and Om Prakash Bisht are in regular touch with Ashok Yadav and Ravi Kant Mishra for according Custom clearance for Import Consignment and are collecting illegal gratification from various private parties and that a bribe has been taken by Bijender Kumar in his Bank Account and then delivered it to Om Prakash Bisht.

6. It was further informed that on 27.04.2024, Bijender Kumar had contacted and informed Ravi Kant Mishra that eight of his Custom Bonds have been cleared by Om Prakash Bisht and he had demanded bribe. Accordingly, on 28.04.2024, Ravi Kant Mishra transferred Rs.3,200/- into the PNB Bank account of Bijender Kumar. It was further revealed that such

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banking transaction of bribe money has been done by Ravi Kant Mishra in the PNB Bank account of Bijender Kumar, on various occasions for onward delivery to Om Prakash Bisht.

7. As per the source information, on 09.08.2024, Ashok Yadav contacted Om Prakash Bisht and asked him to impose minimum penalties on M/s Radha Marketing, Mumbai. Om Prakash Bisht assured that he would impose penalty of Rs.70,000/- and for this, he demanded bribe from Ashok Yadav. On 10.08.2024, Bijender Kumar contacted Ashok Yadav and confirmed that Om Prakash Bisht has imposed the penalty of Rs.70,000/- and asked for delivery of the bribe amount at the earliest.

8. As per the secret information, on 12.08.2024 Ashok Yadav asked Umacharan Majhi of M/s Rahda Marketing, Mumbai to expedite the Demand Draft of Rs.70,000/- for depositing penalty and further asked to deliver him the bribe money meant for the officials of ICD, Tughlakabad in view of clearance of pending matter. On 03.09.2024, Umacharan Majhi contacted Ashok Yadav and informed that payment of bribe would be made to him at Delhi. In continuation, Umachara Majhi contacted Ashok Yadav to collect payment of Rs.3.60 Lacs from Kirti Nagar, Delhi.

9. On 05.09.2024, for further delivery of bribe to Om Prakash Bisht, Deputy Commissioner and Amit Kumar, Superintendent Customs, resident of Greater Noida, U.P. Ashok Yadav collected the bribe amount from Kirti Nagar and delivered Rs.50,000/- to Amit Kumar, Superintendent through Ravi Kant Mishra at ICD, Tughlakabad. Further, Ashok Yadav was to deliver the remaining amount to Om Prakash Bisht as bribe on 06.09.2024 at his office at ICD, Tughlakabad.

10. Consequently, CBI conducted a raid on 06.09.2024 and apprehended

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Om Prakash Bisht , Amit Kumar, Bijender Kumar, Ashok Yadav and Ravi Kant Mishra. Thereafter, the present FIR was registered under Sections 61(2) BNS and Sections 7/7A/8/12 of the PC Act, 1988.

11. The Applicant submits that on 06.09.2024, some individuals claiming to be CBI Officers, arrived at his residence and conducted search and seized several documents and cash to the tune of Rs.19 Lacs, belonging to him and his family members. At the relevant time, the Applicant was not present at his house. Thereafter, the Applicant was served with Notices dated 30.09.2024, 02.10.2024 and 04.10.2024 under Section 35 BNSS.

12. Apprehending his arrest, the Applicant filed the Anticipatory Bail Matter No. 227/2024 before the learned Special Judge but the same was dismissed *vide* Order dated 14.10.2024. Aggrieved by the said Order of the learned Special Judge, BA No. 3886/2024 was filed before this Court. Interim Protection was again granted to the Applicant *vide* Order dated 23.10.2024 and was directed to appear before the Investigating Agency as and when called by the IO.

13. Thereafter, the Applicant was called *vide* Notice under Section 94 BNSS on 9 separate dates and he duly appeared before the IO on every occasion without fail. However, this Court *vide* Order dated 23.04.2025 dismissed the Anticipatory Bail Application as the Prosecution sought sustained interrogation of the Applicant.

14. Aggrieved by the said Order, the Applicant preferred SLP (Criminal) No. 7327/2025 which was dismissed on 13.05.2025 with the direction to the Applicant to surrender within six weeks and thereafter, seek Regular Bail from the learned Court.

15. The Applicant consequently, surrendered before the Trial Court on

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28.05.2025. Thereafter, he sought Regular Bail which got dismissed by the learned ASJ, Special Judge on 28.05.2025. The Second Regular Bail Application bearing IA No. 12/2025 was also dismissed *vide* Order dated 04.07.2025 on the ground that the Applicant was unable to show any change of circumstances.

16. The Supplementary Chargesheet has been filed by CBI against the Applicant on 03.06.2025.

17. Thereafter, the Applicant filed a third Regular Bail Application before learned Special Judge on the ground of the investigation being completed; Chargesheet filed and also on the ground of parity as the co-accused persons have been granted Regular Bail. However, the Third Bail Application was also dismissed on 30.07.2025 by the learned Special Judge.

18. The *Bail is sought* on the ground that the Applicant has been implicated falsely in the present case as no specific role has been attributed to him in the entire transaction, which led to the arrest of public officials as well as the private individuals. There is no material to conclude that the Applicant might tamper the evidence, especially, taking into account his clean antecedents and his conduct in consistent adherence to every direction and order passed by this Court even when he was not in custody. No material has been placed on record to substantiate the allegation of CBI that there is possibility of tampering of evidence.

19. Reliance is placed on *Sanjay Chandra v. CBI* (2012) 1 SCC 40 wherein the Apex Court has held that the seriousness of an offence though a relevant consideration, but other factors also have to be considered while deciding a Bail Application. The gravity is only one test, which needs to be balanced with the constitutional rights by recalibrating the scales of justice.

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20. The investigations are already complete and Chargesheet has been filed. All the co-accused have been admitted to Bail, which is a significant change in circumstance. No fruitful purpose would be served in keeping the Applicant in judicial custody. The object of bail is neither punitive nor preventive. Deprivation of liberty must be considered as a punishment unless it is required to ensure that Accused will stand his trial when called upon, for which reliance is placed once again on *Sanjay Chandra* (supra).

21. Further reliance is placed on *Manish Sisodia v. CBI,* SLP (Criminal) No. 8772/2024, wherein the Apex Court recognized the principle that Bail is rule and refusal is an exception. Reliance is also placed on *Selvi v. Karnataka* (2010) 7 SCC 263 and on *M.P. Sharma v. Satish Chandra,* AIR 1954 SC 300 wherein the protection conferred by Article 20(3) Constitution has been highlighted.

22. The Applicant has throughout cooperated with investigation, but he cannot be held to be not cooperating by expecting him to make self incriminating statements. No fruitful purpose would be served on denying the Bail to the Applicant. There is no likelihood of Applicant influencing, threatening the witnesses or tampering with the evidence. Hence, a prayer is made that he be granted Bail.

23. ***Status Report*** has been filed on behalf of the CBI wherein the entire details of the factual background, which culminated into registration of FIR has been explained. Insofar as the Applicant is concerned, it is stated that he absconded immediately upon receipt of knowledge about CBI action and the investigations are pending with respect to:

(i) cash amount recovered from the Accused persons;

(ii) other identified and unidentified instances of bribery including

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the role of Applicant-Kuldeep;

(iii) involvement of other public servants;

(iv) any further issues arising during the continuing investigation.

24. On 06.09.2024, intercepted telephonic conversations between Applicant between 02:45 PM to 03:03 PM, with some people including Pawan Kumar Rai, another employee of M/s E-Cargo Logistic Services Private Limited, revealed conscious guilt on his part, it was further revealed as following:

(i) Applicant in panic because of the trap laid by CBI at ICD, Tughlakabad;

(ii) he was worried about his money related chats with the co-accused persons and was apprehensive of being found;

(iii) Pawan Kumar Rai and the Applicant were discussing about getting the chats deleted from the mobile phone of Applicant, not calling anybody and switching off the mobile phone of the Applicant giving someone else's mobile number to his office so that they would be able to contact him, starting a new number, not making normal calls but rather always using Whatsapp calls not coming to ICD, Tughlakabad and keeping himself at home i.e. out of reach of CBI.

25. On 06.09.2024 at 04.20 PM, Applicant who was not found present at his residential premises, during the search. He intentionally absconded from his house and went underground to avoid confrontation with CBI. Several Notices were served upon the Applicant, but he deliberately and intentionally failed to appear before the Investigating Officer which gravely hampered the investigation. The family members of the Applicant refused to disclose his whereabouts.

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26. Further details have been mentioned about the Anticipatory Bail Applications filed by the Applicant, which all were dismissed. The Notice was duly served upon the Applicant to produce his mobile phone used during the period from 01.04.2024 to 06.09.2024, which contained the incriminating intercepted conversations, which has been stated above. However, the mobile phone till date has not been produced by the Applicant. This was noticed by this Court while dismissing his Anticipatory Bail Application. The family members of the Applicant have refused to share any information about his whereabouts or his mobile phone.

27. The Applicant pursuant to the orders of the Apex Court, surrendered before the learned Trial Court on 28.05.2025. The investigations revealed about commission of offence of the Applicant in connivance with public servants and others. The Chargesheet already stands filed against 06 Accused persons.

28. The Bail Application filed before the learned ASJ by the Applicant, has been rejected on merits. All the contentions raised in the Bail Application have been denied. Reliance is placed on *Nimmagadda Prasad v. CBI*, (2013) 7SCC 466; *State v. Balchand*, AIR 1977 SC 2447; *Gurcharan Singh v. State,* AIR 1978 SCC 179, *State v. Jaspal* and *Lalu Prasad v. State*, 2002 Crl. J 762.

29. Looking at the conduct of the Applicant, there is every likelihood of him fleeing again if enlarged on Bail. The guilt of the Applicant has been revealed during the investigations. A prayer is, therefore, made that the Bail Application be dismissed.

30. *Learned Senior Counsel on behalf of the Applicant* has submitted that there is no role whatsoever assigned to the Applicant in the FIR. The only

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allegation for which the CBI has come up against him are that he was a tout between the Companies and the officers of ICD, to allegedly gain favour. Ravi Kant Mishra, an employee of Ashoka Logistics had almost the identical role but he has already been granted Bail on 13.11.2024. The other four main Accused i.e. Om Prakash Bisht, Deputy Commissioner, Amit Kumar, Superintendent and Bijender Kumar, Peon of Om Prakash Bisht, who were the Government Officials and Ashok Yadav, an employee of Ashoka Logistics, the Private Company, have also been granted Bail.

31. It is further submitted that essentially no effective role has been identified of the Applicant in the entire Chargesheet. He is in judicial custody since 28.05.2025. Since the investigations are complete and the Applicant has shown his sincerity by joining investigation as and when called, it is a fit case for grant of Bail to the Applicant.

Submissions heard and record perused.

32. The Applicant has contended that he was not named in the FIR and there is no role described to him. His name featured only during the course of investigations. However, it has been specifically averred by the State that he was found to be a Tout/liaisoning person between Northern Spirits Limited, Calcutta, and Bijender Kumar, the Peon in the office of Om Prakash Bisht, Deputy Commissioner (co-accused), and was actively involved in the process of giving of bribes to the officials of ICD, Tughlakabad.

33. It is not disputed that all the investigations pertaining to the Applicant stand concluded and the Chargesheet has already been filed though, the Applicant claims that a copy of the same has still not been provided to him. The main Accused, i.e. Om Prakash Bisht, Deputy Commissioner and Amit

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Kumar, Superintendent as well as Bijender Kumar, the peon, who were the Government Officials and the main perpetrators alongwith Ravi Kant and Ashok Yadav of Ashoka Logistics, who all were apprehended in the raid on 06.09.2024, have all been granted Bail. The role assigned to the Applicant is only that of a tout, i.e. in the nature of a Liaisoning Officer.

34. The learned Prosecutor had claimed that there was a transfer of Rs.1.7 lacs in his account from Northern Spirits Limited, Calcutta and Rs.50,000/- was transferred to the account of Bijender Kumar. However, it was fairly conceded that this transaction pertained to another Company and was not a subject matter of the present Complaint and the investigations. This fact had got unraveled during the investigations and reflected the *modus operandi* adopted by all the Accused persons to commit the crime under Sections 7 and 13 PC Act.

35. The second evidence projected against the Applicant are the telephonic conversations with Bijender Kumar, the Peon, but again merely because they were actively talking cannot be inferred as an active participation of the Applicant in the commission of the offence.

36. Be as it may, the Bail has already been granted to all the main Accused. Considering the totality of circumstances, the Applicant is granted Regular Bail, on the following terms and conditions:

a) The Applicant/Accused shall furnish a personal bond of Rs.50,000/- and one Surety of the like amount, subject to the satisfaction of the learned Trial Court.

b) The Applicant/Accused shall appear before the Court as and when the matter is taken up for hearing;

c) The Applicant/Accused shall provide his mobile

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number/changed mobile number to the IO concerned which shall be kept in working condition at all times;

d) The Applicant/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.

e) In case the Applicant/Accused changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

37. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court for information and compliance.

38. The Bail Application alongwith pending Application, is accordingly disposed of.

NEENA BANSAL KRISHNA, J

OCTOBER 9, 2025

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