IN THE COURT OF SH.AMIT BANSAL
ASJ-02, PATIALA HOUSE COURT, NEW DELHI

Bail Application No.1479/2026
DGGI V. Sanjjive Leekha
Under Section: 132(1)(c) read with Section 132(1)(i) and 137 of CGST Act, 2017.

ORDER

07.07.2026

1. This order shall dispose of an application under Section u/s 483 BNSS filed on behalf of applicant/accused Sanjjive Leekha for grant of regular bail.

2. Reply to the bail application has already been filed.

3. I have already heard the arguments and perused the record including the Trial Court record (TCR).

4. Ld. Counsel for the applicant/accused has submitted that applicant is in custody in this case since 17.04.2026, Criminal Complaint for offences punishable under Section 132(1)(c) read with Section 132(1)(i) and 137 of CGST Act, 2017 has already been filed before the Ld.Duty JMFC, Patiala House Courts, New Delhi on 13.06.2026 and the applicant is not required for any further investigation or for any other purpose to be detained in this case. He has submitted that the maximum punishment in

this case is imprisonment for a term which may extend to 5 years and fine. He submitted that the applicant was appointed as a director of Exxpedyt Integrated Synergies Private Limited on 15.03.2023, the said company is engaged in business of wholesale trading of copper tubes, pipes, valves, pipe fittings etc., the said company duly filed its GST Returns and discharged its GST liability in accordance with law. He stated that the said company had transactions on 'bill-to-ship-to' basis whereby invoices were raised in the name of the company while the goods were directly delivered to either Med Freshe Pvt. Ltd. on Greenvac Solutions Pvt. Ltd. He stated that the purchase value agreed with the supplier was inclusive of loading, packing and freight charges and it was the responsibility of the suppliers to bear and discharge all such related expenses. He stated that in line with this arrangement, transport related documents did not come into the possession of the company and would ordinarily be retained by ultimate buyers to whom the goods were delivered, while proof of payment of freight would remain with the suppliers of the company. It was stated that the payments to the respective suppliers were made by the applicant upon receipt of corresponding payment of the goods and since the goods were directly shipped to the said companies and payments in respect thereof were duly received by the applicant, there was no occasion or reason for him to suspect that any supply of goods had not in fact taken place. He submitted that in the criminal complaint case, the department has filed a list of 34 witnesses and it will take sufficient time for examination of the said witnesses. It was argued that the statement of the applicant has already been recorded twice by the department and the last one was recorded on 25.05.2026. He also stated that the applicant has no criminal antecedents and the department has based its case only on statements of transporters. He submitted that the evidence is in the nature of documentary evidence and there is no reasonable apprehension that the applicant is a flight risk. It was stated that the no purpose would be served by keeping the applicant in further custody, any condition may be imposed and the applicant may be admitted to bail. He also relied upon the following judgments:

a. **Narender Kumar vs. Directorate General of GST Intelligence, Bail Application No.3065/2025, date of decision 08.10.2025 of Hon'ble High Court of Delhi.**

b. **Vineet Jain vs. Union of India, Criminal Appeal No. 2269 of 2025, date of decision 28.04.2025 of Hon'ble Supreme Court of India.**

c. **Tarun Jain vs. Directorate General of GST Intelligence DGGI, Bail Application No. 3771/2021, date of decision 26.11.2021 of Hon'ble High Court of Delhi** and

d. **Narendra Choudhary vs. Union of India, Criminal Appeal arising out of SLP (Crl.) No.7510 of 2026, date of decision 22.05.2026 of Hon'ble Supreme Court of India.**

5. Per Contra, Ld. SPP for DGGI has opposed the present bail application. He submitted that during investigation it was revealed that the accused company fraudulently availed inadmissible Input Tax Credit (ITC) amounting to Rs.8,17,62,345/- on the strength of invoices issued by multiple suppliers without actual receipt of goods or services from 11 suppliers. He submitted that during investigation it was also revealed that the said company fraudulently passed on inadmissible ITC amounting to Rs.8,70,60,457/- on the strength of invoices issued to multiple recipients without actual receipt of goods or services. He stated that ITC was fraudulently claimed solely on the strength of bogus invoices issued by fictitious, bogus and non-existent entities/firms and was further utilized for discharging the liabilities. He argued that during investigation of the case, statements of the transporters were also recorded from which it was disclosed that they had not heard the name of the applicant or his above said company M/s Exxpedyt Integrated Synergies Private Limited which would show that the e-way bills were forged. He also argued that the applicant is also a director in one another company, namely, M/s Gradient Medical Technologies Private Limited and investigation in respect of said entity has revealed fraudulent availment of ITC amounting to Rs.2,22,12,203/- and further passing on of inadmissible ITC amounting to Rs.3,24,89,386/-. He stated that the applicant had not cooperated and tried to mislead the investigation and earlier affixed inconsistent signatures on various documents apparently with the intention of later

disputing its authenticity. He stated that the applicant was arrested in strict compliance with the provisions of law. He prayed that although the criminal complaint case against the above said company M/s Exxpedyt Integrated Synergies Private Limited and its director i.e. the applicant has already been filed, however, the applicant should not be admitted to bail.

6. The case of the department in nutshell against the applicant is that he is the director of alleged company M/s Exxpedyt Integrated Synergies Private Limited and during investigation, it was revealed that the said accused company fraudulently availed inadmissible ITC amounting to Rs.8,17,62,345/- on the strength of invoices issued by 11 suppliers without actual receipt of goods or services from the said suppliers. During investigation, it was also revealed that the said company fraudulently passed on inadmissible ITC amounting to Rs.8,70,60,457/- on the strength of invoices issued to multiple recipients without actual receipt of goods or services. ITC was fraudulently claimed solely on the strength of bogus invoices issued by fictitious, bogus and non-existent entities/firms.

7. It is an admitted position during arguments that the statement of the applicant has been recorded twice in this case and the last statement was recorded on 25.05.2026. It is further an admitted position that a criminal complaint under Section 132(1)(c) read with Section 132(1)(i) and 137 CGST Act, 2017 has already been filed in this case against the above said alleged company and the applicant on 13.06.2026 and the offences carry a

maximum punishment for a term which may extend to 5 years and fine. It would thus also show that the applicant is not required for any further investigation. The list of witnesses filed along with the said criminal complaint would show that there are 34 cited witnesses. No reasonable apprehension has been shown that if applicant is released on bail then he would tamper with or influence any prosecution witnesses. Further, it seems that this case is based primarily on documentary and electronic evidence. As far as the allegations of repeated offender are concerned, it seems that no criminal complaint has so far been filed with respect to the company, namely, M/s Gradient Medical Technologies Private Limited. The Hon'ble Delhi High Court in the case **Narender Kumar (supra)** has relied upon judgment of Hon'ble Supreme Court of India in case **Vineet Jain (supra)** and **Ratnambar Kaushik vs. Union of India, (2023) 2 SCC 621**. The Hon'ble Delhi High Court in the case of **Narender Kumar (supra)** has *inter-alia* held as follows:

"24. The fundamental principles for consideration in a Bail for the offences under Clauses (c),(f) and (h) of Section 132(1) of the CGST Act were explained by the Apex Court in Vineet Jain v. Union of India, Criminal Appeal No. 2269 of 2025 dated 28.04.2025, as under:

" The offences alleged against the appellant are under Clauses (c), (f) and (h) of Section 132(1) of the Central Goods and Services Tax Act, 2017. The maximum sentence is of 5 years with fine. A charge-sheet has been filed. The appellant is in custody for a period of almost 7 months. The case is triable by a Court of Judicial Magistrate. The sentence is

limited and in any case, the prosecution is based on documentary evidence. There are no antecedents.

We are surprised to note that in a case like this, the appellant has been denied the benefit of bail at all levels, including the High Court and ultimately, he was forced to approach this Court. These are the cases wherein normal course, before the Trial Courts, the accused should get bail unless there are some extra ordinary circumstances."

25. Similarly while dealing with bail under Section 132(1)(a), (h), (k) and (l) read with Section 132(5) of the CGST Act in case of Ratnambar Kaushik v. Union of India, (2023) 2 SCC 621, the Apex Court held as follows -

" In considering the application for bail, it is noted that the petitioner was arrested on 21-7-2022 and while in custody, the investigation has been completed and the charge-sheet has been filed. Even if it is taken note that the alleged evasion of tax by the petitioner is to the extent as provided under Section 132(1)(l)(i), the punishment provided is, imprisonment which may extend to 5 years and fine. The petitioner has already undergone incarcination for more than four months and completion of trial, in any event, would take some time. Needless to mention that the petitioner if released on bail, is required to adhere to the conditions to be imposed and diligently participate in the trial. Further, in a case of the present nature, the evidence to be tendered by the respondent would essentially be documentary and electronic. The ocular evidence will be through official witnesses, due to which there can be no apprehension of tampering, intimidating or influencing. Therefore, keeping all these aspects in perspective, in the facts and circumstances of the present case, we find it proper to grant the prayer made by the petitioner."

8. The Hon'ble High Court of Delhi in the matter titled as **Tarun Jain vs. Directorate General of GST Intelligence DGGI, (2022) 100 GSTR 222**

: (2022) 286 DLT 496 has *inter-alia* held in some of the relevant paragraphs as under:

> *44. In the present case, there cannot be any conflict with the fact that petitioner has been charged with economic offence. However, it is to be reiterated that the offence does not contemplate punishment for more than five years or commission of any serious offence along with the economic offence as it is usually the case in offences under other special statutes dealing with economic offences like Prevention of Money Laundering Act, 2003. Thus, as per the scheme of the CGST Act, though the offence is of economic nature yet the punishment prescribed cannot be ignored to determine the heinousness of the offence. To conclude, in my view the offences under the Act are not grave to an extent where the custody of the accused can be held to be sine qua non.*
>
> *55. Custodial interrogation in the instant matter is neither warranted nor provided for by the statute. Detaining the petitioner in Judicial Custody would serve no purpose rather would adversely impact the business of the petitioner.*
>
> *58. This court must give effect to Article 21 of the Constitution in letter as well as in spirit while deciding the anticipatory bail application. The basic tenet on which our criminal justice system operates is -"innocent until proven guilty" and in view of this the Supreme Court has time and again reiterated that "bail is the rule while jail is an exception". Such principles cannot remain a dead letter of law and this court must intervene to give effect to such principles*

which has been enshrined by the Hon"ble Supreme Court in numerous decisions.

59. In view of these facts and circumstances and in light of the provisions of law, this Court is inclined to allow the anticipatory bail application with some stringent conditions in view of the prior conduct of the Petitioner.

9. The applicant in the present case is in custody in this case since 17.04.2026. The criminal complaint has already been filed in the court and applicant is not required for further investigation. The evidence also seems to be documentary and electronic in nature. There is also no reasonable apprehension or likelihood or tampering with the evidence or of influencing the witnesses. **Considering the above said principles of law, above said discussion, totality of the facts and circumstances of the case, period of custody and as criminal complaint has already been filed against the applicant and he is not required for further investigation, no fruitful purpose would be served by keeping the applicant in further custody. The applicant/accused Sanjjive Leekha is thus admitted to bail on his furnishing a personal bond in the sum of Rs. 1,00,000/- with one surety of the like amount subject to the satisfaction of Ld. CJM/JMFC/Duty JMFC and further subject to the following conditions**:

a. Applicant/accused shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/Investigating Agency and the ld.Trial Court.

b. Applicant/accused shall upon his release provide his mobile number to the concerned IO/Investigating Agency and ld.Trial Court and shall keep his mobile phone switched on at all times.

c. Applicant/accused shall not leave India under any circumstance without the prior permission of the ld. Trial Court.

d. Applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper with evidence and

f. Applicant/accused shall not commit any offence of similar nature while on bail.

10. **The present bail application is disposed of accordingly**.

11. Nothing mentioned herein shall tantamount to an expression of opinion on the merits of the case.

12. Trial Court record be sent back along with copy of this order.

13. *Copy of this order be given dasti and be also sent to the concerned Jail Superintendent for necessary information.*

AMIT BANSAL Digitally signed by AMIT BANSAL Date: 2026.07.07 17:00:15 +0530

(Amit Bansal)
Additional Sessions Judge-02
NDD/PHC/New Delhi
07.07.2026