

Bail Matters 1283/2025
DGGI Vs. Gopesh Gupta

08.08.2025

Present: Sh. Anurag Ojha, Ld. Sr. Standing Counsel for
Department along with Sh. Karan Aggarwal,
Advocate.

Sh. Shri Singh and Sh. Vedant Gupta, Ld. counsels
for applicant.

1. This is a bail application under section 482 BNSS seeking grant of anticipatory bail along with application seeking interim protection from arrest filed on behalf of the applicant Gopesh Gupta.

2. Reply to the present application filed on behalf of Department. Copy supplied.

3. It is submitted by Ld. counsel for applicant/ accused that applicant is one of the Director of M/s Waltron Metal Industries Private Limited and said company is engaged in the business of manufacturing of copper wires. On 31.07.2025 at around 08:00 AM, officers of respondent Department reached at the registered premises of said company for conducting search. During the search, Sh. Sunil Kumar Sharma, General Manager of said company reached at the premises and accompanied the officers of the respondent Department during the whole search. During the search nothing incriminating was discovered at the premises, except some documents, available stock of raw material, machinery and other digital devices.

4. It is further submitted that another search was carried out at the additional place of business of said company at Jhilmil, Shahdara, there also nothing incriminating was recovered against the applicant. Simultaneously, searches at the registered premises of said company were also carried out, there also nothing incriminating was found and same has also been laid down in the Panchnama drawn at the premises. On 31.07.2025, a simultaneous search was also conducted at the residential premises of Seema Gupta, the other director of M/s Waltron Metal Industries Private Limited and search got concluded on 01.08.2025 and soon after the completion of search Seema Gupta got arrested and was sent to JC.

5. It is further submitted that during the search at the residential premises of Seema Gupta, nothing incriminating was found against the applicant. Moreover, in the statement of Seema Gupta dated 01.08.2025, nothing incriminating has been stated by her against applicant. Applicant was served with the summons under Section 70 of CGST Act to appear in person. Another person namely Sandeep Yadav has also been arrested on 01.08.2025.

6. It is further submitted that applicant has no relation whatsoever with Sandeep Yadav neither his company has done any business with Sandeep Yadav. As no incriminating evidences or documents were recovered, applicant apprehends his arrest and during the custody he may be forced to give incriminating statement against himself and Seema Gupta. Applicant is willing to cooperate in the investigation and further undertakes to abide

by all the terms and conditions imposed upon him if he is granted anticipatory bail.

7. Ld. Sr. Standing Counsel for Department strongly opposed the present bail application arguing that as per the investigation conducted so far, the alleged firm M/s Waltron Metal Industries Pvt. Ltd. has availed fraudulent Input Tax Credit (ITC) from fake and non-existent suppliers, created solely on paper. The firm operator, Sandeep Yadav in his voluntary statement admitted to arranging bogus invoices for said company amounting to approximately Rs.427 Crore (resulting in ITC of Rs.76.9 Crore) from 10 different firms operated by him. Since the supplier firms were found to be non-existent and the operators of 10 such firms have already accepted in their statements that these were fake. Arrest of Seema Gupta (one of the Directors of M/s Waltron Metal Industries Pvt. Ltd.) was made on the basis of clear evidence of large-scale ITC fraud.

8. It is further submitted that incriminating evidence is already on record. Several mobile phones, laptops, pen drives storage devices were seized from different search premises during the course of investigation. These devices are currently under forensic examination and are likely to yield vital leads relating to the fake billing nexus and fraudulent ITC availment. Main beneficiary of this fraud is applicant/ accused along with his brother Ishant Gupta played a key role in committing this offence. Applicant has not cooperated with the investigation. There is sufficient evidence indicating malafide intent to defraud the exchequer. Investigation of the present case is at initial stage.

9. It is further submitted that summons to employees i.e. Sh. Sunil Kumar Sharma (GM), Sh. Ashutosh (Accountant) and Sh. Vikas Yadav (Production Manager) of M/s Waltron Metal Industries Pvt. Ltd. were also issued but they failed to appear on summons and did not participate in the investigation. It appears that they are being influenced by applicant/ accused so that investigation could not be conducted and their fraudulent intentions could not be revealed. Granting anticipatory bail would hinder justice, allow potential evidence tampering and undermine the public interest in combating economic fraud.

10. Ld. Sr. Standing counsel for Department has placed reliance upon the judgments passed by Hon'ble Supreme Court of India titled as **"Y. S. Jaganmohan Reddy Vs. CBI, Crl. Appeal No.730/2013"**, **"Manik Madhukar Sarve & Ors. Vs. Vitthal Damuji Meher @ Ors, 2024 INSC 636"**, **"P. Krishna Mohan Reddy Vs. State of Andhra Pradesh, MANU/SC/0737/2025"** and **"State of Gujarat Vs. Mohanlal Jitamalji Porwal, MANU/SC/0288/1987"**.

11. Submissions heard. Record including case file perused. This Court has gone through the judgments relied upon by Ld. Sr. Standing Counsel for Department.

12. This Court has relied upon judgment titled as **"Y. S. Jagan Mohan Reddy Vs. CBI, (2013) 7 SCC 439"**, relevant paras of this judgment are as under:

"15) Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and

involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

16) While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations.”

13. This Court has also relied upon judgment titled as “State of Gujarat Vs. Mohanlal Jitmalji Porwal, (1987) 2 SCC 364”, wherein it is held as under:

“..... The entire Community is aggrieved if the economic offenders who ruin the economy of the State are not brought to books. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the Community. A disregard for the interest of the Community can be manifested only at the cost of forfeiting the trust and faith of the Community in the system to administer justice in an even handed manner with- out fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the National Economy and National Interest.....’

14. This Court has also relied upon judgment titled as “Ashutosh Garg Vs. Union of India, Crl. Misc. Bail Appln.548/2024 passed by Hon’ble High Court of Rajasthan”, wherein it is held as under:

8. A common man of this Country is paying all kinds of taxes including CGST and SGST to the Central and State Government for development and building of the Nation

and the State but the person like the petitioner is causing obstruction in the development of the Nation as well as the State by creating fake firms and causing huge loss of Rs.10,32,91,88,876/- to public exchequer. Such act of economic offence committed by such accused person like the petitioner, is required to be dealt with a different approach in the matter of bail.

9. The economic offence, having deep rooted conspiracies and involving huge loss of public exchequer, needs to be viewed seriously and considered as grave offence, affecting the economy of the Nation as a whole and thereby posing serious threat to the financial health of the Country. Economic offence is always committed by a person with calculated design profiting himself regardless of the consequences to the community.

15. In the present case, there are serious allegations against M/s Waltron Metal Industries Pvt. Ltd. that it is involved in tax evasion of approximately Rs.76.9 Crores. Applicant is one of the director of the abovesaid company. Investigation conducted so far revealed that abovesaid company availed fraudulent ITC based on fake invoices from non-existent suppliers. Co-accused Sandeep Yadav admitted to facilitating this fraud during his statement. Even, applicant did not appear despite service of summons and he has not joined the investigation. It has been argued by Ld. Sr. Standing Counsel for Department that custodial interrogation of applicant is required keeping in view the serious nature of alleged GST evasion involving intricate financial transactions, false documents and potential involvement of multiple parties and his custodial interrogation is crucial for unearthing the modus operandi, identifying co-conspirators and tracing the money trail which cannot be effectively achieved to non-custodial means.

16. Considering the seriousness of allegations and gravity of offence, this Court is not inclined to grant anticipatory bail to applicant Gopesh Gupta. **Therefore, present bail application stands dismissed.**

Applications are disposed of accordingly.

Nothing stated herein shall tantamount to expression of opinion on the merits of the case.

Copy of this order be given dasti.

**(Dr. Hardeep Kaur)
Roster Judge, ASJ-02
NDD/PHC/New Delhi
08.08.2025**