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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 768 of 2026

Shubham Gupta S/o Sunil Gupta Aged About 28 Years R/o Ward No. 7,
Abhanpur, P.S. Abhanpur, Distt. Raipur, Chhattisgarh.

... Applicant

versus

State of Chhattisgarh Through P.S. Abhanpur, District- Raipur,
Chhattisgarh.

... Non-applicant

For Applicant	: Mr. Arun Kukreja, Advocate.
For Non-applicant/State	: Ms. Anusha Naik, Dy. Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

17.03.2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 442/2025, registered at Police Station : Abhanpur, District- Raipur (C.G.) for the offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023.
2. The case of the prosecution, in brief, is that a letter dated 08.07.2025 was received from the Cyber Police Headquarters, Sector-19, Atal Nagar, Raipur, informing that certain Point of Sales



(POS) operators in the district were issuing fake SIM cards, which were being used not only for various offences but also for committing cyber crimes in India from abroad. Upon verification of the mobile numbers mentioned in the said letter, including 9617057870, 9977466167, 9977801335 and other 45 numbers, certain persons, namely Pushpendra Kumar Sahu, Sandeep Kumar Sahu and another Sandeep Kumar, were called to the police station, who stated that the SIM cards had been issued in their names without their knowledge by misuse of their identity documents and that they had never used the said numbers. During investigation, it was found that the said 48 SIM cards were fraudulently issued by POS ID No. 31581997SHUBUP2A, Gupta Telecom, located near Shani Mandir, Bus Stand, Abhanpur, District Raipur, by dishonestly using the identity and photographs of the said persons. Accordingly, an offence was registered and taken up for investigation. Hence, this bail application.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to mala fide intentions and personal enmity, and he has no connection whatsoever with the alleged offence. He further submits that the applicant was working as a distributor for VI Company under Nikunj Traders, and his role was limited to activation of SIM cards in accordance with company procedures, as well as collection of dues and supply of SIMs and promotional materials to retailers, for which a duty certificate has been filed. It is contended that the witnesses themselves had approached the applicant for obtaining new SIM



cards, which were issued strictly in compliance with the prescribed digital KYC process, including biometric verification, and thereafter handed over to them. It is further submitted that as per company policy, activation and verification of the SIM can only be completed by the SIM holder, and therefore, any alleged misuse of SIM cards cannot be attributed to the applicant. It is also submitted that as per policy, only one SIM can be issued per person per day, making the allegations of multiple SIMs doubtful. It is further contended that no documentary evidence, including call detail records (CDR), has been produced by the prosecution to substantiate the issuance of alleged 48 fake SIM cards, and no recovery of the alleged POS ID or related mobile number has been made from the applicant. He further submits that the applicant has no criminal antecedents, the charge-sheet has been submitted before the competent Court, and he is in jail since 08.12.2025 and conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant.

4. On the other hand, the learned State counsel vehemently opposed the bail application of the present applicant and submitted that the charge sheet has been submitted before the competent Court. She further submits that on the basis of information received from the Cyber Police Headquarters, it was revealed that fake SIM cards were being issued and used in the commission of cyber offences, including those operated from abroad. It is further submitted that during investigation, 48 SIM cards were found to have been fraudulently issued by POS ID No. 31581997SHUBUPTA, Gupta Telecom, Abhanpur, by misusing



the identity and photographs of unsuspecting persons. Further the affidavit filed by the Investigating Officer, reveals that the SIM holders, namely Pushpendra Kumar Sahu, Sandeep Kumar Sahu and Sandeep Kumar, have categorically stated that they had no knowledge of the said mobile numbers and were not in possession of the same. It is further submitted that the present applicant, being the shopkeeper of Gupta Telecom, has played an active role in dishonestly issuing the said SIM cards, thereby facilitating cyber crimes. Considering the seriousness of the offence, the manner in which the crime has been committed, and the material collected during investigation, it is prayed that the applicant is not entitled to be released on bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations, and the material available on record, this Court observes that though the prosecution has alleged fraudulent issuance of SIM cards and on the basis of the Investigating Officer's affidavit, there is no prima facie material to establish that any fraud has been directly committed by the present applicant. It is further noted that the applicant was working in the ordinary course of his duties as per company procedure, no incriminating material or recovery has been made from his possession, and the allegations are largely based on statements which are yet to be tested during trial. Further the fact that the applicant is languishing in jail since 08.12.2025, he has no previous criminal antecedents and the



charge-sheet has been submitted before the competent Court and the conclusion of the trial may take some more time, In view of the aforesaid circumstances, without commenting on the merits of the case, this Court is of the considered view that the present applicant is entitled to be released on regular bail in this case.

7. Accordingly, the bail application of the applicant is **allowed**. Let the Applicant – **Shubham Gupta**, involved in Crime No. 442/2025, registered at Police Station : Abhanpur, District- Raipur (C.G.) for the offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on furnishing **personal bond** with **two sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuse the liberty of bail during trial and in order to secure his presence,



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proclamation under Section 84 of BNSS is issued and the applicant fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him, in accordance with law.

8. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice

Rahul Dewangan