

2025:JHHC:19696

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 8095 of 2024

Raaj Jaiswal, son of Sri Gyaan Chand Jaiswal, resident of 3B Jyoti Apartment,
Road No. 2, Contractors Area, Bistupur, Opposite Sonnet Hotel, P.O Bistupur,
P.S. Sakchi- Bistupur, Town Jamshedpur East Singhbhum, Jharkhand- 831001.
... Petitioner

-Versus-

Directorate General of Goods and Services Tax Intelligence, Regional Unit,
Jamshedpur through the Senior Intelligence Officer, having its office at 2nd and
3rd Floor, Shaurya Trade Centre, 159, Dhalbhum Road, P.O and P.S. Sakchi,
District- East Singhbhum, Jharkhand, 831001. ... Opp. Party(s).

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Nitin Kr. Pasari, Advocate.
For the Opp. Party : Mr. P.A.S Pati, Advocate.
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07/18.07.2025: This anticipatory bail application under Section(s) 482 and 484 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been preferred by the petitioner apprehending their arrest for the offences under Section(s) 132(1)(i) of CGST Act and under Section(s) 34, 120B, 174, 175, 201, 203, 204, 205, 406, 409, 420, 465, 467, 468 and 471 of the Indian Penal Code.

- 2. Heard the parties at length and had gone through the documents, annexed along with this application.
- 3. This case arising out of a complaint case in which, after investigation by the authority of the GST, prosecution report, which is akin to the chargesheet has been filed and now the cognizance has already been taken.
- 4. The allegation against the petitioner is that the petitioner and others were engaged in creation of fake firms in the name of his employees with intention to issue fake GST bills. They have committed fraud by passing ineligible ITC and obtained financial benefits, which caused loss to the State.
- 5. Though the offence as alleged is serious but the fact remains that during the entire period of investigation, the petitioner was not taken in custody nor even the warrant of arrest was sought for by the Investigating Agency. Admittedly, the investigation was completed and thereafter prosecution report was filed. Based on the said prosecution report, now the cognizance has also been taken.
- 6. On query, learned counsel for the DGGI on instruction, submits that there is nothing on record to suggest that the petitioner can tamper with the evidence of this case.

7. Learned counsel for the petitioner, at this stage, submits that the petitioner will cooperate with the trial and in fact all the evidences are documentary in nature, which is in possession of the prosecution- DGGI. He further submits that another co-accused has been granted regular bail by a Co-ordinate Bench of this Court in B.A. No. 7209 of 2024 dated 26.9.2024.

8. Thus, in backdrop of the aforesaid facts, it is clear that there cannot be any custodial investigation now and there is no scope of tampering the evidence.

9. Considering the aforesaid facts, no useful purpose will be served rejecting this anticipatory bail application. Thus, I am inclined to **allow** this anticipatory bail application. Accordingly, the petitioner, above named, is directed to surrender before the court below within four weeks from today and in the event of his surrender/arrest, the court below is directed to enlarge him on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Economic Offences, East Singhbhum, Jamshedpur, in connection with Complaint Case No. 2360 of 2024, subject to condition that one of the bailers should be close relative of the petitioner and other should be a resident of State of Jharkhand, having sufficient landed property in his/her name or in the name of his/her ancestors in which he/she is having share and to that effect, he/she has to file an affidavit before the Trial Court indicating his/her share in the property with further condition that the petitioner will appear before the trial court concerned as and when directed.

9. It is expected that the charge will be framed at the earliest without giving unnecessary adjournments to the petitioner.