

GAHC010284912025



2026:GAU-AS:1095

**THE GAUHATI HIGH COURT  
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : Bail Appln./4131/2025**

AMIT JAIN  
SON OF SHRI ASHOK KUMAR JAIN @ ASOK KUMAR JAIN  
RESIDENT OF 23, SAHEED SURYA SEN ROAD, BERHAMPORE, P.O.  
BERHAMPORE, SUB-DIST. BERHAMPUR, DIST. MURSHIDABAD  
WEST BENGAL-742101.

VERSUS

THE CENTRAL BUREAU OF INVESTIGATION (CBI)  
REPRESENTED BY THE SC, CBI.

Advocate for the Petitioner : Mr. B. K. Mahajan, Sr. Adv

Advocate for the respondent : Ms. M. Kumari, SC, CBI

**BEFORE**  
**HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA**

Date on which judgment is reserved: 07.01.2026

Date of pronouncement of judgment: 30.01.2026

Whether the pronouncement is of  
the operative part of the judgment?: No

Whether the full judgment has been pronounced: Yes

**JUDGEMENT & ORDER (CAV)**

1. Heard Mr. B. K. Mahajan, learned Senior Counsel for the petitioner and also heard Mrs. M. Kumari, learned Standing Counsel, CBI.
2. This is an application under Section 483 of BNSS, 2023 for grant of regular bail to the accused applicant in connection with RC-12(A)/2025-GWH arising out of FIR No.RC0172025A0012 under Section 61 (2) of the BNSS, 2023 read with Section 7, 8, 9, 10 and 12 of the Prevention of Corruption Act, 1988.
3. The facts as alleged in the FIR dated 14.10.2025 are, inter alia, that the informant who was identified as a source had lodged the FIR alleging that M/s. Mohan Lal Jain, a partnership firm having it's office in Kolkata, West Bengal was awarded with the contract of 4-laning of National Highway-37, between Demow to End of Moran Bypass, in the Dibrugarh District in the State of Assam on EPC mode, besides other contracts under PMU, Dibrugarh scheduled to be completed in July, 2024; that the firm could not complete the construction in timely manner and therefore, applied for grant of Extension of Time (for short, 'EoT') and issuance of Completion Certification for the said project; that Shri Binod Kumar Jain, the accused applicant, a representative of the aforesaid firm, informed the co-accused Shri Maisnam Riten Kumar Singh, ED & RO, NHIDCL, Guwahati (herein after referred to as "Co-accused") on 17.09.2025 that since his firm has already completed the Emergency Landing Facility (for short, 'ELF') in Dibrugarh and also submitted their request for grant of EOT as well as for

issuance of the Completion Certificate, he wanted to meet the aforesaid Co-accused; that on 10.10.2025, the accused applicant conveyed to one Amit Jain, a partner of M/s Mohan Lal Jain that they were required to visit the aforesaid Co-accused at Guwahati either on 13.10.2025 or 14.10.2025; that the aforesaid Amit Jain conveyed the accused applicant that they would have to deliver a total amount of Rs.10,00,000/- (Rupees Ten Lacs only) as demanded by the aforesaid Coaccused; that the accused applicant conveyed to the aforesaid Amit Jain that he would be reaching Guwahati on 14.10.2025 to meet the Coaccused at his office; that there was every likelihood that the demanded bribe of Rs. 10,00,000/- (Rupees Ten Lacs) would be delivered by the accused applicant to the Co-accused on 14.10.2025 at NHIDCL, Regional Office, Guwahati for favourable issuance of EOT and the Completion Certificate.

4. On receipt of the FIR, the Officer-in-Charge, CBI, ACB, Guwahati registered the FIR on the same date as RC0172025A0012 under Section 61 (2) of BNS, 2023 read with Section 7/8/9/10/12 of the PC Act, 1988. The case No. RC0172025A0012 was renumbered as Case No. R12(A)/2025-GWH in the Court of learned Special Judge, CBI, Assam, Guwahati.
5. After receipt of the FIR, CBI prepared the Pre-Trap Memorandum (for short, 'PTM') on the same day i.e. 14.10.2025, wherein, name of particulars of 2 (two) independent witnesses as well as name of particulars of CBI officials were provided. The PTM reveals that one Shri Abhimanyu Kumar, PI and Trap Laying Officer (for short, 'TLO') led the CBI team for the trap. The PTM while detailing the factual background behind the trap, mentioned that there was every likelihood of a bribe of

Rs.10,00,000/- (Rupees Ten Lacs only) would be delivered by the accused applicant to the Co-accused on 14.10.2025 for favourable issuance of the EoT and the Completion Certificate. Accordingly, a plan was made to lay the trap to catch the accused persons, namely, Sri Maishram Riten Kumar Singh (Co-accused) and Shri Binod Kumar Jain (accused applicant) on the spot while demanding and accepting and handing over of the undue advantages respectively. After the alleged trap, the CBI team prepared the Memorandum of Recovery and Seizure on the same date, i.e., 14-10-2025 at about 10.30 AM onwards which revealed that the CBI team reached Bharalu View Apartment, Santipur, Guwahati at around 10.30 AM. From there, the team followed a Maruti Ertiga Car to the office of the NHIDCL, Guwahati situated at GNB Road, opposite AGP Office, Ambari, Guwahati. At around 10:40 AM, one of the two persons, who rode the aforesaid vehicle, got down of the Car and he proceeded towards the NHIDCL Office. It was stated that the source confirmed that the person who alighted from the above mentioned car was the accused applicant, Shri Binod Kumar Jain who entered the NHIDCL office to deliver the undue advantage amounting to Rs.10,00,000/- (Rupees Ten Lacs) to the Coaccused. It was stated that at around 11.35 AM, the source informed CBI that the accused applicant had delivered the undue advantage to the Coaccused. On receipt of the information, all the team members of CBI including the independent witnesses, rushed inside the office of the Coaccused and on reaching the office of the co-accused, it was alleged that the middle aged person who had alighted from the Car was seen coming out of the chamber. When the CBI team intercepted the accused applicant, the accused applicant introduced himself as Binod Kumar Jain

and on being challenged that he had handed over the bribe amount to the Co-accused, he became perplexed and did not utter any word. The Memorandum also provided that on being asked about the delivery of illegal gratification amounting to Rs.10,00,000/- (Rupees Ten Lacs) to the Co-accused, the accused applicant confessed the same and begged for pardon and said that the said amount was lying in the chamber of the Coaccused. It was also mentioned that the accused applicant stated that the money was given to the Co-accused for issuance of the Completion Certificate and Extension of Time for the contract. Thereafter, the CBI team challenged the Co-accused and the Co-accused too became perplexed and begged for pardon and the Co-accused stated that he did not demand the amount from the accused applicant and the amount was given to him and he had just accepted the same. On search of the drawer of his office of the Co-accused, they recovered a black colour carry bag containing 20 bundles of G.C. notes of Rs.500/- each denomination totalling to Rs.10,00,000/- (Rupees Ten Lacs only) and the same was seized by the CBI team. It was mentioned that later on, the Co-accused admitted that he had taken the bribe in lieu of issuance of the Completion Certificate and the EoT to the accused applicant, Shri Binod Kumar Jain.

6. That the accused applicant has been arrested on 10.12.2025 and he is inside the jail for the last 51 days.
7. Mr. Mahajan learned Senior Counsel for the petitioner submits that while granting bail to the co-accused Binod Kumar Jain, who is the alleged bribe giver, a Coordinate Bench of this Court by its order dated 06.11.2025 in bail application No. 3469/2025 has observed as follows:-

*“16. It is seen from the records that the accused applicant is a Manager working in the partnership firm, namely, M/s Mohan Lal Jain located in Kolkata which is involved in executing certain EPC contracts in Dibrugarh wherein NHIDCL is also a party representing the Government. It is also seen that the accused applicant was in fact arrested from the office of the NHIDCL located in Guwahati. However, as far as the versions of CBI in the Post Trap Memorandum i.e. Memorandum of Recovery and Seizure and the grounds of arrest of CBI provided in Notices under Section 47 & 48 of BNSS, there is a striking difference relating to the time of interception and arrest of the accused applicant by the CBI team. It is apparent on perusal of the aforesaid documents that though the CBI in their Grounds of Arrest mentioned that the accused applicant was caught red handed while bribing the Co-accused, namely, Maisnam Riten Kumar Singh, however, in the Post Trap Memorandum i.e. Memorandum of Recovery and Seizure dated 14.10.2025, it has been specifically mentioned that the accused applicant was apprehended while he was coming out of the chamber of the aforesaid Co-accused. Therefore, these two versions of the CBI do not say the same thing and therefore, it cannot be *prima facie* ascertained, at this stage, as to which version of the CBI story is correct. In case of trap relating to bribery, sequence of events is of utmost importance and there should not be any missing links relating to demand and acceptance of bribery. In the instant case, after perusal of the materials, this Court, *prima facie*, could not find any substantive material which reveals that the accused applicant was, in fact, found at the time of delivering the alleged amount of bribery to the Co-accused. However, this Court would like to refrain from going much into the details of the merit of the case at this stage except the materials to form a *prima facie* opinion for consideration of the bail*

*18. Taking into account the whole factual matrix, materials available before this Court, including the materials in the Case Diary made available to this Court and also after hearing the submissions made by the respective counsel*

*appearing for the parties, this Court is of the considered opinion that the accused applicant has been able to make out a *prima facie* case which merits interference by this Court. Therefore, this Court, taking the whole aspects in their entirety, is of the opinion that the accused applicant should be allowed to go on bail at this stage."*

8. The specific role attributed to the present petitioner is reflected in the grounds of arrest as follows:-

*"There exist clear, cogent, and compelling grounds to arrest Amit Jain, as substantial material evidences indicates his active involvement in a criminal conspiracy with M. Riten Kumar Singh, Executive Director& Regional Officer, NHIDCL, RO Guwahati, and his deliberate payment of a bribe of Rs. 10 lakhs to secure extension of time for an ongoing public project, thereby constituting offences under sections 7, 8, 9, 10 & 12 of PC Act 1988 (as amended 2018) Prevention of Corruption Act and 61 (2) of BNS. A recorded conversation dated 23.09.2025 between Amit Jain and Binod Jain establishes that Amit Jain was expressly informed that Rs. 10 lakhs was to be delivered to M. Riten Kumar Singh and only after his approval, the bribe was paid by Binod Kumar Jain to Maisnam Riten Kumar Singh. The voices of Amit Jain and Binod Jain, contained in the recorded conversation have been identified by an official of NHIDCL in presence of an independent witness. Amit Jain was the main beneficiary of the entire bribe transactions by way of getting extension of time of a delayed project. Credible indications suggest that he has made additional bribe payments in connection with the project. His voice*

*in the recorded conversation has been identified by an official of NHIDCL, who was working with him, in the presence of independent witness. His custodial arrest is essential to prevent tampering with evidence, influencing witnesses, or manipulating records related to the project and bribery transactions. Custodial interrogation is also necessary to trace the money trail, identify other conspirators, uncover the full extent of the illegal gratification network, how much bribe he has paid earlier and recover critical documentary and electronic evidence. Searches and Simultaneous Seizure have revealed that the accused Miasnam Riten Kumar Singh maintained records of bribe collections in a diary, which has been seized. The Diary mentions of undue advantage between M Riten Kumar Singh and Amit Jain, Partner/Binod Kumar Jain, representative of M/s Mohan Lal Jain, the accused firm in the month of October, 2025. Hence, custodial interrogation is required to fully unravel the transactions recorded therein. Amit Jain absconded immediately after the FIR was registered and sought anticipatory bail under the CrPC, which was rejected by the Hon'ble Gauhati High Court, indicating a strong likelihood of further evasion of arrest if not apprehended. Considering the gravity of the offences, the involvement of public funds, the adverse impact on the integrity of public administration, and the reasonable apprehension that the accused may obstruct or prejudice the investigation if at liberty, his arrest is fully warranted in the interest of a fair, effective, and unhindered investigation."*

9. Mr. Mahajan, learned Senior Counsel for the petitioner submits as is his

statutory right the petitioner applied for anticipatory bail which was rejected and thereafter, pursuant to notice under Section 35 BNSS, he appeared before the I.O., whereafter, he was arrested.

10. It is submitted that upon his appearance before the I.O. he did not implicate himself which is the reason why he was arrested. It is submitted that under Article 20(3) of the Constitution of India, the petitioner cannot be compelled to be a witness against himself and merely because he did not implicate himself the same cannot be termed as non-cooperation with the investigation necessitating his arrest. The petitioner was never absconding and the said fact would be evident from the search list which is dated 14.10.2025 in respect of search carried out in the residence of the petitioner whether the petitioner was himself present and the FIR was also lodged on the same date. Further, the petitioner was remanded to 5 days police custody after his arrest during which period no CBI Official came to interrogate him on a single day and even after his remand to judicial custody, the CBI never sought for interrogation of the petitioner and therefore, it is crystal clear that his further detention is not warranted. As far as the merits of the matter is concerned, as far as the petitioner is concerned, it is submitted that there is no material whatsoever to connect him with the conspiracy. Learned counsel has taken the Court through the final report/charge-sheet filed by the CBI where at page No.14, it has been stated as follows:-

*“Analysis of these conversations reveals critical insights into the modus operandi of the accused. In particular, recorded exchanges dated 17.09.2025, 22.09.2025, and 25.09.2025 between Shri Maisnam Riten Kumar Singh and Shri Binod Kumar Jain indicate that Shri Riten Kumar Singh repeatedly*

*pressurised Shri Binod Kumar Jain to meet him in person, including during late hours. In a conversation dated 23.09.2025 between Shri Amit Jain and Shri Binod Kumar Jain, Shri Binod Kumar Jain stated, "Uska phone aaya tha, usko das dene ka hai." When asked by Shri Amit Jain, "Kisko?", Shri Binod Kumar Jain replied, "Kumar ko" These communications strongly indicate that matters related to the issuance of the Completion Certificate and grant of an Extension of Time were pending with Shri Riten Kumar Singh and that he was exerting undue pressure on Shri Binod Kumar Jain for a personal meeting. Further, the conversation between Shri Amit Jain and Shri Binod Kumar Jain implies that a bribe of Rs. 10 lakh had been agreed upon and was to be delivered to Shri Riten Kumar Singh."*

11. It is submitted by Mr. Mahajan, learned Senior Counsel for the petitioner that the aforesaid alleged discussion, even if it had taken place nowhere indicates that the petitioner had entered into a criminal conspiracy with anyone to pay a bribe of Rs.10,00,000/- to the concerned official whose name is also not fully mentioned in the alleged conversation. It is further submitted that what is evident from the Trap Laying report referred to earlier is that the prosecution could not establish the factum of acceptance of bribe money by the concerned official and therefore, no case under Section 7 is made out as held by the Hon'ble Apex Court in the case of ***Neeraj Dutta State Vs. (Govt. of N.C.T of Delhi) (2023) 4 SCC 731*** stating that both proof of demand and acceptance of illegally ratification by a public servant as a fact in issue by the prosecution is a sine qua non in order to establish the guilt of the accused public servant under Sections 7 & 13(1)(d)(i) and (2) of the P.C. Act.

12. Ms. Kumari, learned Standing Counsel, CBI has submitted that

although the charge-sheet has been submitted in the case, further investigation is going on to unearth the larger conspiracy involving other segments of the work in question and material witnesses are yet to be examined and the FSL report in respect of handwriting, voice sample, CDR etc. are yet to be received and the petitioner being an influential person is likely to interfere with the investigation. It is further submitted that the petitioner had already caused disappearance of his I Phone upon through which calls were made by him prior to 14.10.2025 as indicated by the CDR analysis and what he has handed over to the CBI is a Samsung phone which is not connected to the CDR obtained by the investigating agency and that the petitioner has destroyed or concealed the said I phone and thereby, sought to thwart the investigation.

13. In course of her argument, learned counsel for the CBI has relied upon the decisions of the Apex Court in ***Y.S. Jagan Mohan Reddy Vs. Central Bureau of investigation*** reported in ***(2013) 7 SCC 439*** where it was observed that economic offences constitute a class apart and need to be visited with a different approach in the matter of bail as they involved deep rooted conspiracies causing huge loss of public funds affecting the economy of the country and thereby causing serious threat to the financial health of the country. To the same effect are the decisions of the Apex Court in ***Serious Fraud Investigation Office Vs. Aditya Sarda (2025) INSC 447*** and ***Tarun Kumar Assistant Director Directorate of Enforcement (2023) INSC 1006*** relied upon by learned counsel for CBI. The learned counsel has also relied upon the decision of The Apex Court in ***Ramesh Bhavan Rathod Vs. Vishanbhai Hirabhai Makwana*** reported in ***(2021) 6 SCC 230*** which dealt with the

question of parity with co-accused. The learned counsel has also referred to the decision of Apex Court in ***Devinder Kumar Bansal Vs. The State of Punjab*** reported in **(2025) INSC 320**, wherein it has been held as follows:-

*“22. In the aforesaid context, we may refer to a pronouncement in Central Bureau of Investigation V.V. Vijay Sai Reddy reported in (2013) 7 Scals 15, wherein this Court expressed thus:*

*28. While granting bail, the court has to Keep in mind the nature of accusation, 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. It has also to be kept in mind that for the purpose of granting bail, the Legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the Court dealing with the grant of bail can only satisfy it as to whether there is a genuine case against the accused and that the prosecution will be able to produce *prima facie* evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.”*

14. The above is of course the settled law of the land and there is no cavil with the proposition that it is not expected at the stage of bail to have the evidence establishing the guilt of the accused beyond reasonable doubt. But that does not mean that even in the absence of any cogent admissible material, the accused is to be denied bail merely because an economic offence is involved. The Apex Court has held in the number of

decisions that even statements of co-accused persons implicating the petitioner cannot be taken into consideration even for the purpose of bail since they are not admissible as evidence during the trial. In order to satisfy oneself as to whether there is a genuine case as against the accused and that the prosecution will be able to produce *prima facie* evidence in support of the charge, the Court necessarily has to deal with the material available with the prosecuting agency. To the pointed query of the Court, as to what is the specific material against the accused petitioner, other than the call recording of the conversation between the present petitioner and the co-accused who has already been granted bail, the response of learned Standing Counsel, CBI remained the same which is that the further investigation on going and material witnesses ought to be examined and FSL reports are yet to be received which might reveal a larger conspiracy. In other words, at present there is no material against the petitioner other than the record of the conversation between the aforesaid two persons.

15. Going by the charge-sheet submitted by the CBI, all that is reflected in the alleged conversation is that the co-accused who is an employee of the present petitioner informed the petitioner over telephone that somebody is to be given "Dus" (ten) and to which the petitioner passed "Kisko"? and the co-accused replied "Kumar ko". Therefore, as of date, it is only on the basis of a single word that is "Kisko", said to have been uttered by the petitioner in a brief telephonic conversation with the co-accused that constitutes, according to the I.O., *prima facie* evidence in support of the charge. Of course, it is the fond hope of the I.O. that more material will be unearthed in course of further investigation, but the

petitioner cannot be detained indefinitely upon an expectation of discovering further material in the distant future. Coming to the question of parity, as already noted above, the co-accused i.e. the actual alleged bribe giver has been granted bail after 23 days in custody and by now, the present petitioner against whom there is no substantial material has already spent nearly 50 days in custody and therefore, the principle of parity squarely applies in the present case and having regard to all of the above factors, further detention of the petitioner does not appear to be warranted. The apprehension of the CBI regarding the possibility of tempering with the evidence can be taken care of imposing by strict conditions.

16. In the result, the prayer for bail is **allowed**.
17. Accordingly, it is directed that the accused applicant, namely, **Amit Jain** shall be released forthwith on bail on furnishing a bail bond of **Rs.1,00,000/- (Rupess One Lac)** only, with 2 (two) local solvent sureties of like nature, one of which shall be a Government Servant, to the satisfaction of the learned Special Judge, CBI, Assam, Guwahati subject to the following conditions:
  - (a) that the accused applicant shall surrender his passport to the learned Special Judge, CBI, Assam, Guwahati, if the same is not yet seized by the CBI or not surrendered before the Special Judge, CBI, Assam, Guwahati;
  - (b) that the accused applicant shall fully co-operate with the investigation of the instant case by CBI;

- (c) that the accused applicant shall make himself available before the investigating CBI as and when called for by the CBI;
- (d) that the accused applicant shall not try to tamper or hamper with the investigation of the CBI in the instant case, in whatsoever manner.

18. The bail application stands **disposed** of.

19. Return the case diary.

**JUDGE**

**Comparing Assistant**