



2026:CGHC:1993

AFR**HIGH COURT OF CHHATTISGARH AT BILASPUR**

ORDER RESERVED ON 08. 01.2026

ORDER DELIVERED ON 13. 01.2026

ORDER UPLOADED ON 13. 01.2026

MCRCA No. 11 of 2026

1 - Saumya Chaurasia D/o Lt. Shri O.N. Chaurasia Aged About 46 Years R/o A/21 Surya Residency, Junwani Road, Kohka, Bhilai, Supela Durg, Chhattisgarh-490023 (Currently Under Judicial Custody At Central Jail, Raipur (C.G.)

... Applicant(s)**versus**

1 - The State Of Chhattisgarh Through Economic Offences Wing (Eow)/ Anti-Corruption Bureau (ACB), Headquarter, Opposite Jai Jawan Petrol Pump, Telibandha, Raipur, Chhattisgarh - 492001

... Respondent(s)

For Applicant (s)	:	Shri Siddarth Dave, Sr. Advocate through VC assisted by Shri Harshwardhan Parganiha, Shri Anshul Rai, Shri Mayank Jain, Shri Madhur Jain, Shri Arpit Goel, Shri Harshit Sharma, Shri Ojaswa Pathak, Ms. Alekhya Shastry and Ms. Manubha Shankar, Advocates
For Respondent/State	:	Shri Shri Praveen Das, Addl. Advocate General and Dr. Saurabh Kumar Pande, Dy. Advocate General

(HON'BLE SHRI JUSTICE ARVIND KUMAR VERMA)

C A V Order

The Applicant seeks the indulgence of this Court by invoking its extraordinary jurisdiction under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, apprehending her imminent arrest in connection with FIR No. 04 of 2024 dated 17.01.2024, registered by the Economic Offences Wing/Anti-Corruption Bureau, Chhattisgarh, Raipur, for the alleged commission of offences punishable under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, and Sections 7 and 12 of the Prevention of Corruption Act, 1988.

2. The Applicant asserts with utmost humility that she has been falsely implicated owing to extraneous and ulterior considerations, and that the substratum of the allegations, even if taken at their face value, fails to disclose any *prima facie* involvement or culpability on her part. The material placed on record, including the charge-sheets, does not reveal any legally sustainable nexus between the Applicant and the alleged offences.

3. The present application has, therefore, been necessitated in the paramount interest of justice and fair play, seeking protection of the Applicant's personal liberty, which stands sanctified and zealously guarded under Article 21 of the Constitution of India.

FACTUAL BACKGROUND OF THE CASE.

4. The present application has been preferred by the Applicant under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023,

seeking protection against arrest in connection with FIR No. 04 of 2024 dated 17.01.2024 registered by the Economic Offences Wing/Anti-Corruption Bureau, Chhattisgarh, Raipur, for the alleged commission of offences punishable under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 and Sections 7 and 12 of the Prevention of Corruption Act, 1988.

5. As per the prosecution version, it is alleged that during the period from 2019 to 2022, a large-scale syndicate was operating in the State of Chhattisgarh which was purportedly involved in the manufacture and sale of illegal liquor through licensed government outlets, thereby generating unlawful pecuniary gains. It is further alleged that the proceeds emanating from the aforesaid illicit activities were systematically distributed amongst the members of the syndicate and further utilized to unlawfully influence and suborn certain political and administrative functionaries, thereby occasioning a colossal loss to the State exchequer.

6. As per prosecution case, it is alleged that she is neither named in the present FIR nor is any specific, direct or overt role attributed to her therein. The FIR, as it stands, contains general and omnibus allegations against multiple individuals, without disclosing the Applicant's involvement either by name, by role, or by necessary implication.

6. It is the further allegation that the registration of the present FIR is of nearly two years ago, the investigating agency has filed one charge-sheet and six supplementary charge-sheets, arraigning as

many as 51 accused persons. However, not a single notice, summons or call for interrogation has ever been issued to the Applicant in connection with the present FIR, clearly indicating that custodial interrogation of the Applicant was never considered necessary during the course of investigation.

7. At present, the applicant is in judicial custody in connection with proceedings initiated by the Directorate of Enforcement, arising out of a separate and independent ECIR based on distinct statutory provisions. The said custody does not pertain to the present FIR and has no bearing on the Applicant's alleged role in the offences under investigation by the EOW/ACB.

8. Notwithstanding the absence of any incriminating material against the Applicant in the present FIR, the Non-Applicant has sought issuance of a production warrant to secure the Applicant's presence from judicial custody for the purpose of interrogation in the present case. The said action, taken without attributing any specific role or demonstrating custodial necessity, has given rise to a reasonable, genuine and bona fide apprehension in the mind of the Applicant that she may be arrested in the present case in a mechanical and punitive manner.

SUBMISSIONS ON BEHALF OF THE APPLICANT

9. Shri Dave, learned Senior Counsel for the Applicant fairly and candidly submits that the Applicant is presently in judicial custody in connection with proceedings initiated by the Directorate of Enforcement arising out of a distinct ECIR. However, it is respectfully submitted that

such custody pertains to an independent and separate offence and cannot, in law or logic, be treated as a bar to the grant of anticipatory bail in the present FIR registered by the EOW/ACB. Learned Senior Counsel appearing for the Applicant submits that the present case is not merely one of an apprehended arrest but one that strikes at the very constitutional discipline governing arrest, liberty and investigation. The Applicant stands before this Court not as a named accused in the FIR, nor as one against whom any specific role is attributed, but as a citizen whose liberty is sought to be imperilled by a demonstrable pattern of coercive and successive prosecutions, divorced from evidentiary necessity and sanctioned legal procedure.

10. It is submitted that the gravamen of the Applicant's apprehension arises from the fact that, despite the present FIR consistently held that further investigation must be court-controlled, exception-based, and not a matter of executive whim. Learned Senior Counsel submits that the law on this issue is no longer *res integra*. The Supreme Court in ***Dhanraj Aswani v. Amar S. Mulchandani & Anr.***, Criminal Appeal No. 2501 of 2024, has categorically held that **there is no restriction, either in the text or in the scheme of Section 438 CrPC (now Section 482 BNS), which precludes an accused from seeking anticipatory bail in one case merely because he or she is in custody in another case.** The Applicant's present custody, therefore, does not dilute her statutory or constitutional entitlement to seek protection against arrest in the present FIR. is into the offence and not the offender, and the filing of successive charge-sheets against persons not named in the FIR, without fresh material, is legally impermissible.

The 41st Law Commission Report also clarifies that further investigation must be triggered only by fresh material, not by what was already available at the time of filing the charge-sheet.

11. Learned Senior Counsel submits that the Applicant's conduct is unimpeachable. She has been granted interim/default bail in multiple independent proceedings, including proceedings before the Supreme Court, and in not a single case has there been even an allegation of misuse of liberty, non-cooperation, tampering with evidence, or influencing witnesses. This conduct decisively answers all apprehensions raised by the prosecution.

12. He further submits that parity is writ large. Numerous co-accused, including Excise Officers, have been granted protection either by the Supreme Court or by this Court. The Applicant stands on an even stronger footing, being neither named in the FIR nor arrested during the long course of investigation ie. nearly for about two years. It is submitted that the very fact that the Applicant is already in judicial custody further demonstrates that there exists no possibility of flight, absconce, tampering with evidence, or influencing witnesses in the present case. The apprehensions customarily raised by the prosecution stand automatically neutralized by the Applicant's present custodial status.

13. It is further submitted that economic offences do not create a separate jurisprudence of bail. In *P. Chidambaram v. Directorate of Enforcement, (2020) 13 SCC 791*, the Apex Court has authoritatively held that bail is not excluded merely because allegations pertain to

economic offences, and that constitutional parameters governing liberty remain unchanged.

14. Learned Senior Counsel placed his strong reliance on the Constitution Bench judgment in ***Sushila Aggarwal v. State (NCT of Delhi), (2020) 5 SCC 1***, wherein it has been held that anticipatory bail is not to be limited by time and that the court must consider only three factors—flight risk, tampering with evidence, and influencing witnesses. The Applicant satisfies all three parameters unequivocally.

15. Learned Senior Counsel submits that Article 21 is not a matter of convenience but of command. In ***Union of India v. K.A. Najeeb, (2021) 3 SCC 713***, the Supreme Court has reaffirmed that courts must remain alive to the constitutional mandate of personal liberty, particularly where the prosecution itself has failed to progress the case in a manner warranting incarceration.

16. Learned Senior Counsel submits that despite the registration of the present FIR nearly two years ago, and despite the filing of one charge-sheet and six supplementary charge-sheets arraigning 51 accused persons, the Applicant has never been served with a notice, summons, or call for interrogation in connection with the present FIR. This conduct of the prosecution conclusively establishes that custodial interrogation of the Applicant has never been considered necessary during the entire course of investigation.

17. It is further submitted that the sudden attempt to secure the Applicant's custody in the present case, by issuance of a production warrant while she is already in custody in the ED case, is nothing but a

colourable exercise of power, intended to defeat the safeguards governing arrest and to subject the Applicant to successive and punitive incarceration, without any demonstrable investigative necessity.

18. Learned Senior Counsel submits that custodial interrogation cannot be claimed as a matter of course, nor can it be invoked as a talisman to oppose anticipatory bail. The Supreme Court in ***Ashok Kumar v. State of Union Territory, Chandigarh, 2024 SCC OnLine SC 274***, has held that a mere assertion by the State that custodial interrogation is required is wholly insufficient, and that the prosecution must place material showing something more than a *prima facie* case. No such material exists against the Applicant.

19. On merits, it is submitted that the Applicant is not named in the FIR, and no specific role, overt act, demand, acceptance, or participation is attributed to her. The allegations are vague, omnibus and general. In ***Soundarajan v. State Rep. by Inspector of Police, 2023 SCC OnLine SC 424***, the Supreme Court has held that for offences under Section 7 of the PC Act, demand and acceptance of illegal gratification are *sine qua non*, and in the absence thereof, prosecution itself becomes unsustainable.

20. Similarly, the allegation of criminal conspiracy under Section 120-B IPC is wholly misconceived. In ***Ram Sharan Chaturvedi v. State of M.P., (2022) 16 SCC 166***, the Supreme Court has held that conspiracy cannot be inferred in the absence of cogent evidence demonstrating a meeting of minds or a common design. No such evidence is forthcoming in the present case.

21. Learned Senior Counsel further submits that the investigating agency is impermissibly seeking to continue investigation under the guise of “further investigation” without obtaining prior permission of the competent court, in clear violation of settled law laid down in *Ram Lal Narang v. State (Delhi Administration), (1979) 2 SCC 322*; *Vinay Tyagi v. Irshad Ali, (2013) 5 SCC 762*; and *Vinubhai Haribhai Malaviya v. State of Gujarat, (2019) 17 SCC 1*. It is submitted that the Applicant’s conduct throughout various proceedings is impeccable.

22. Lastly, learned Senior Counsel beseeches this Court to consider the grave humanitarian dimension. The Applicant is a woman with two minor children of tender age, wholly dependent on her care. Her arrest would inflict irreversible emotional and psychological harm upon them —harm which no subsequent acquittal can undo. The criminal process cannot be permitted to become a tool of punishment by itself.

SUBMISSIONS ON BEHALF OF THE STATE

23. At the outset, Learned State counsel, while strongly opposing the prayer for anticipatory bail, has placed reliance upon the following authoritative pronouncements of the Hon’ble Supreme Court to contend that pre-arrest bail in serious economic and corruption-related offences is an exception and not the rule, and that investigating agencies must be granted adequate freedom to conduct a fair and effective investigation. The answering Respondent-State submits that the present application seeking interim protection is wholly misconceived, premature and devoid of merit, and has been filed with a view to pre-

empt the lawful course of investigation in a serious and grave economic offence having far-reaching ramifications.

25. At the very threshold, it is submitted that the earlier anticipatory bail application preferred by the Applicant stood dismissed by the Trial Court vide a detailed and reasoned order dated 22.12.2025. The mere filing of a subsequent application before this Court does not *ipso facto* efface the said order, nor does it render the judicial process adopted by the investigating agency nugatory.

26. It is further submitted that the issuance of a production warrant by the learned Sessions Court cannot be interdicted merely on the ground that an anticipatory bail application has been filed, lest the statutory powers of investigation be rendered illusory. The anticipatory bail proceedings and the investigative process are distinct, independent and operate in separate spheres.

27. It is submitted that the law with respect to grant of anticipatory bail in cases involving serious offences under the Prevention of Corruption Act and large-scale economic crimes has been recently crystallized by the Supreme Court in ***Devendra Kumar Bansal v. State of Punjab, (2025) 4 SCC 493***. Placing reliance on this recent authoritative pronouncement, learned State Counsel submits that:

- In cases involving corruption and abuse of official position, anticipatory bail can be granted only in exceptional circumstances, such as where the allegations are *prima facie* false, frivolous, or politically motivated.

- Presumption of innocence, by itself, cannot be the sole ground for grant of anticipatory bail.
- Overemphasis on the liberty of the accused, at the cost of public interest, may defeat the cause of public justice.

The Court has further clarified that Section 438 Cr.P.C. is not an integral facet of Article 21, and denial of anticipatory bail in appropriate cases does not amount to violation of constitutional rights.

28. The Apex Court has held that anticipatory bail in corruption cases is not a matter of course and can be granted only in exceptional circumstances, where the Court is *prima facie* satisfied that the accused has been falsely implicated or the allegations are manifestly frivolous or politically motivated.

29. In the present case, no such exceptional circumstances are made out. The allegations against the Applicant are neither bald nor speculative. On the contrary, the investigation has unearthed contemporaneous digital evidence, including WhatsApp communications, which *prima facie* indicate the Applicant's active and supervisory role in the execution of the liquor scam, in close coordination with co-accused persons including Anwar Dhebar, Anil Tuteja and others.

30. It is submitted that the complicity of the Applicant is not incidental, derivative or merely associative, but is borne out from material collected during investigation which demonstrates that the Applicant was involved in monitoring, supervising and accounting

("Hisab") of proceeds of crime, and in facilitating collection and routing of illicit funds generated from the scam.

31. The State further submits that the present matter arises out of Crime No. 04 of 2024 registered by EOW/ACB, pertaining to a large-scale liquor scam in the State of Chhattisgarh, involving proceeds of crime estimated to be in excess of ₹4,000 crores. Given the magnitude of the offence, the complexity of financial layering, and the number of accused involved, the investigation necessarily requires qualitative custodial interrogation. The Supreme Court, in the matter of **Sumitha Pradeep Vs. Arun Kumar C.K. and Another, (2022) 17 SCC 391**, while summarizing the governing principles for grant of anticipatory bail, has held that:

- The absence of a specific plea for custodial interrogation, by itself, cannot be treated as a ground for grant of anticipatory bail.
- The Court must primarily consider the *prima facie* case, the nature and gravity of the offence, and the severity of punishment.

Even where custodial interrogation may not appear immediately necessary, anticipatory bail can still be refused if the overall facts so warrant.

32. The judgment underscores that anticipatory bail is not to be granted mechanically and must be declined where serious allegations exist. In the matter of **State v. Anil Sharma, (1997) 7 SCC 187**, Learned State Counsel further relies upon this classic authority to submit that:

- Custodial interrogation is qualitatively more effective than questioning an accused who is protected by anticipatory bail.
- Grant of anticipatory bail in cases involving high-ranking or influential persons may seriously impair the investigation, particularly where the accused has the capacity to influence witnesses or tamper with evidence.
- The Court cautioned that anticipatory bail should not be granted in a routine manner, especially in corruption cases.

33. It is not in dispute that the Applicant has been arrested by the Directorate of Enforcement on 16.12.2025 in connection with ECIR No. RPZO/04/2024 dated 11.04.2024, and is presently lodged in judicial custody at Raipur Central Jail. The State submits that the mere fact of such custody does not insulate the Applicant from being lawfully interrogated or arrested in another cognate offence, particularly where the investigating agency has demonstrated sufficient material necessitating such interrogation.

34. The contention that there is any violation of Article 21 merely because a production warrant has been sought is wholly untenable. The Applicant is already in judicial custody under due process of law. Seeking a production warrant for further investigation in a connected offence does not, by itself, infringe the right to life and personal liberty.

35. It is further submitted that the legality of the investigation conducted by EOW/ACB has already been upheld, including by the Supreme Court, when challenges raised by co-accused persons were repelled and the Special Leave Petition was dismissed vide order dated

16.09.2025. Having failed in such challenges, the Applicant cannot now indirectly assail the investigation under the garb of seeking interim protection.

36. It is submitted that the economic offences constitute a class apart. The Supreme Court in *P. Chidambaram v. Directorate of Enforcement, (2020) 13 SCC 791*, has held that while bail is not barred in economic offences, the gravity of the offence, the magnitude of the economic loss, and the societal impact are relevant considerations which weigh heavily against grant of anticipatory bail. The Hon'ble Supreme Court, while considering the scope of Section 438 Cr.P.C. in economic offences and money-laundering cases, has categorically held that:

- Anticipatory bail is an extraordinary remedy to be exercised sparingly, particularly in cases involving economic offences with deep-rooted conspiracies.
- Such offences require systematic and structured investigation, which would be seriously hampered if the accused is protected by a pre-arrest bail order.
- Grant of anticipatory bail in such cases may scuttle the statutory power of arrest and impede effective investigation.

37. The Court further emphasized that personal liberty under Article 21 must be balanced against societal interest, and that economic offences constitute a class apart warranting stricter judicial scrutiny.

38. Further, in ***State of Gujarat v. Mohanlal Jitamalji Porwal, (1987) 2 SCC 364***, the Supreme Court observed that economic offences corrode the fabric of society and must be viewed with greater seriousness than conventional crimes.

39. It has also been relied upon the matter of ***Y.S. Jagan Mohan Reddy v. CBI, (2013) 7 SCC 439***, wherein the Supreme Court cautioned that economic offences involving deep-rooted conspiracies and huge loss of public funds stand on a different footing and warrant a strict approach in matters of bail.

40. It is submitted that grant of ad-interim or interim protection at the very first hearing, without affording the prosecution an effective opportunity to place the case diary, statements and material on record, would be contrary to settled principles governing anticipatory bail, particularly in serious corruption and economic offence cases.

41. It is emphatically submitted that the prayer for interim protection under Section 438 of the Code of Criminal Procedure / Section 482 of the BNSS is neither automatic nor a matter of right, particularly in cases involving grave economic offences, corruption, criminal conspiracy and large-scale loss to public exchequer. Interim protection, if granted at this stage, would virtually amount to granting the final relief at the threshold, thereby rendering the statutory power of investigation otiose.

42. The present case pertains to a well-organized and deep-rooted liquor scam of enormous magnitude, involving allegations of cheating, forgery, use of forged documents, criminal conspiracy and offences under the Prevention of Corruption Act. The nature of allegations,

manner of commission, systemic abuse of official position and far-reaching public impact constitute relevant and weighty considerations militating against grant of any interim indulgence.

43. The contention of the Applicant that she is already in judicial custody in connection with an Enforcement Directorate case and, therefore, deserves interim protection in the present matter is wholly misconceived and legally untenable. It is submitted that custody in one case does not create any vested or automatic entitlement to protection in another independent crime, nor does it curtail the statutory powers of the investigating agency to seek a production warrant and conduct custodial interrogation in accordance with law.

44. It is further submitted that the Applicant has been arrested by the Directorate of Enforcement on 16.12.2025 in ECIR No. RPZO/04/2024 and is presently lodged in judicial custody at Raipur Central Jail. The attempt of the Applicant to project the filing of a production warrant by EOW/ACB as an infringement of Article 21 is misplaced and legally unsustainable, as deprivation of liberty pursuant to a procedure established by law cannot be characterized as unconstitutional.

45. Learned Counsel for the Respondent-State submits that custodial interrogation of the Applicant is indispensable for a fair, complete and effective investigation, *inter alia*, for:

- (i) confronting the Applicant with voluminous documentary and digital evidence;
- (ii) verifying the sequence of events and the precise role of various conspirators;

- (iii) ascertaining linkages, flow of proceeds of crime and layering of funds; and
- (iv) collecting further material information which lies especially within the knowledge of the Applicant.

Grant of interim protection would seriously impair these legitimate investigative steps.

46. It is denied that mere appearance or questioning under the umbrella of interim protection would suffice for a qualitative investigation. On the contrary, effective confrontation, coordinated questioning and verification of digital trails cannot be meaningfully carried out if the investigating agency is restrained by judicial protection at this incipient stage.

47. He further submits that the Applicant held a highly influential position in the State administration, having remained posted as Deputy Secretary to the Chief Minister's Office. In view of her administrative access, institutional reach and influence, there exists a real and reasonable apprehension of influencing witnesses and tampering with documentary and digital evidence, particularly when the investigation involves multiple accused and a complex evidentiary matrix.

48. The argument that no interim protection would cause irreparable prejudice to the Applicant is illusory. On the contrary, grant of interim protection at this stage would cause irreversible prejudice to the investigation and undermine public confidence in the administration of criminal justice in cases involving corruption at high places. It is further submitted that the Applicant is also involved in other serious criminal

matters, including cases relating to coal scam and DMF scam, wherein she has already been arrested. These antecedents and the Applicant's repeated involvement in serious economic offences are relevant factors which weigh heavily against the exercise of discretionary jurisdiction in her favour.

49. The answering Respondent submits that economic offences and corruption-related crimes stand on a distinct footing, as repeatedly recognized by the Supreme Court, having a deep-seated impact on the economy and public faith in governance. Courts have consistently cautioned that liberal grant of interim protection in such cases may have deleterious consequences on the rule of law. It is reiterated that interim protection is an exception, not the rule, and can be granted only where the Court is *prima facie* satisfied that the Applicant has been falsely implicated or that the prosecution is patently *mala fide*. In the present case, the material collected during investigation, including contemporaneous digital evidence, belies any such claim.

50. The answering Respondent submits that issuance of a production warrant is a lawful investigative step, recognized by criminal jurisprudence, and the mere pendency of an anticipatory bail application cannot operate as a fetter on the powers of the investigating agency. The remedy of anticipatory bail and the process of production warrant operate in distinct legal spheres and one cannot eclipse the other.

51. On a conjoint reading of the aforesaid judgments, learned State Counsel submits that:

Economic and corruption-related offences stand on a different footing and require greater judicial restraint while considering anticipatory bail. The stage of investigation, nature of allegations, magnitude of the offence, and possibility of interference with evidence or witnesses are decisive considerations. Grant of anticipatory bail at a premature stage may frustrate the investigation and undermine public confidence in the administration of justice. Therefore the anticipatory bail application filed by the Applicant may be rejected.

FINDINGS AND CONCLUSION

52. This Court has given its thoughtful consideration to the submissions made at the bar and has examined the pleadings, objections, and the material placed on record, including the nature of allegations, the stage of investigation and the surrounding circumstances, the following findings emerge.

53. Although the prosecution alleges involvement of more than seventy-one accused persons in the present crime, the applicant was admittedly not named in the First Information Report. Secondly, it is borne out from the record that despite filing of the main charge sheet and as many as six supplementary charge sheets, arraigning in all fifty-one accused persons, there is no categorical assertion or specific material therein demonstrating the applicant's culpability in the present case. Thirdly, it is also true that the applicant was never served with any notice, summons, nor was she ever called upon for interrogation in connection with the said FIR during the relevant period.

54. It is also not in dispute that the FIR was registered on 17.01.2024, and even after the lapse of a substantial period, the investigation has not attained finality. This is despite the fact that the Supreme Court, in **SLP (Crl.) Nos. 11790/2024 arising out of Cr.M.P. No. 721 of 2024**, vide order dated **16.09.2025**, has made observations with regard to the manner and timeline of investigation. Notwithstanding the said judicial pronouncement, the Investigating Agency has continued with further investigation even after filing of the charge sheet, and that too without obtaining prior permission of the competent court, which raises serious concerns regarding procedural propriety. It has been observed that:

“.....We would only direct the Investigating Agencies ie. the Enforcement Directorate and the concerned State Agencies to file the complaint and conclude the investigation by way of an additional charge sheet, within a period of three months from the date of receipt of a copy of this order.

Thereafter, liberty is granted to the petitioner(s) to file application(s) for regular bail or anticipatory bail, as the case may be, which will have to be considered on their own merits without being influenced by any of the orders passed earlier or by the impugned order(s). For seeking the aforesaid relief of bail, the petitioners can approach the High Court. The interim order granted earlier stand vacated.....”

55. It further emerges from the record that approximately **29 Excise Officials**, who were also alleged to be involved in the commission of the economic offence, have been granted anticipatory bail by the Supreme Court. Additionally, several co-accused persons, namely

Arunpati Tripathi, Arvind Singh, Trilok Singh Dhillon, Anurag Dwivedi, Amit Singh, Deepak Duary and Dilip Pandey have already been granted regular bail either by the Hon'ble Supreme Court or by this Court. It is of considerable significance that the Economic Offences Wing has been in possession of the alleged digital evidence since the year 2019, yet, despite such prolonged availability of material, no notice, summons or any form of investigative process was ever initiated against the applicant in the said offence.

56. The present application arises out of FIR No. 04 of 2024 registered by the Economic Offences Wing/Anti-Corruption Bureau for offences punishable under Sections 420, 467, 468, 471 and 120-B of the IPC and Sections 7 and 12 of the Prevention of Corruption Act, 1988, pertaining to an alleged large-scale liquor scam involving systemic corruption, criminal conspiracy and diversion of substantial public revenue. The law is well settled that anticipatory bail is an extraordinary discretionary relief, to be granted only in exceptional circumstances, and not as a matter of course. The Constitution Bench in ***Sushila Aggarwal v. State (NCT of Delhi), (2020) 5 SCC 1*** has held that while the power under Section 438 CrPC (now Section 482 BNSS) is wide, its exercise must be guided by judicial restraint, having regard to the nature and gravity of the offence, the role attributed to the accused, and the requirement of fair investigation.

57. In the present case, the allegations pertain to grave economic offences and corruption at high places, which, by their very nature, stand on a distinct footing. The Supreme Court has consistently held

that economic offences corrode the fabric of society and pose a serious threat to public interest, and therefore warrant a cautious approach while considering bail. Reference may be made to ***P. Chidambaram v. Directorate of Enforcement, (2020) 13 SCC 791 and Y.S. Jagan Mohan Reddy v. CBI, (2013) 7 SCC 439.***

58. This Court is not persuaded to accept the submission that the Applicant deserves interim or anticipatory protection merely on the ground that she is already in judicial custody in connection with a separate Enforcement Directorate case. Custody in one case does not create any indefeasible right or automatic entitlement to anticipatory bail in another independent offence. The remedy of anticipatory bail and the statutory power of the investigating agency to seek a production warrant operate in separate legal domains and cannot be conflated.

59. The contention that issuance of a production warrant infringes Article 21 of the Constitution is equally misconceived. Deprivation of liberty pursuant to a procedure established by law cannot be characterized as unconstitutional. The Supreme Court has repeatedly held that Article 21 does not eclipse lawful investigation, provided the procedure adopted is fair and sanctioned by law.

60. The investigating agency has specifically asserted the necessity of custodial interrogation of the Applicant for confronting her with documentary and digital evidence, ascertaining linkages, tracing proceeds of crime and unearthing the larger conspiracy. At this stage, this Court finds no reason to doubt that such custodial interrogation is a

legitimate investigative requirement and not a mere ruse for harassment. The Supreme Court in ***State v. Anil Sharma, (1997) 7 SCC 187***, has held that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect protected by anticipatory bail.

61. The apprehension expressed by the State regarding possibility of influencing witnesses and tampering with evidence cannot be brushed aside lightly, particularly when the Applicant is alleged to have held a highly influential position in the State administration. In corruption and conspiracy cases involving multiple accused and voluminous digital material, the potential for interference with investigation remains a relevant consideration.

62. The submission that interim protection at this stage would effectively amount to granting the main relief cannot be ignored. Courts have consistently cautioned that interim protection should not be granted mechanically, as it may frustrate lawful investigative steps and render the final adjudication nugatory.

63. This Court is also mindful of the settled principle that at the stage of considering anticipatory bail, a detailed evaluation of evidence is neither warranted nor permissible. Suffice it to observe that the material placed before this Court does disclose *prima facie* grounds justifying further investigation, and the case does not fall within the narrow category where the Court may conclude that the prosecution is patently frivolous or actuated by malice.

64. This Court has carefully examined the rival submissions, perused the case diary and the material placed on record, and bestowed its anxious and circumspect consideration to the facts and circumstances of the present case. It is true that the name of the Applicant does not find mention in the FIR and that, despite filing of multiple charge-sheets by the Economic Offences Wing, the Applicant has not yet been formally arrayed as an accused. It is also not in dispute that the FIR was registered on 17.01.2024 and that custodial interrogation of the Applicant has been sought after a lapse of two years. However, mere absence of the Applicant's name in the FIR or delay in summoning cannot, by themselves, be determinative factors for grant of anticipatory bail, particularly when the investigation is continuing and fresh incriminating material has surfaced. The record reveals that the investigation is still in progress and substantial material, including contemporaneous digital evidence such as WhatsApp conversations, has been recovered, and as alleged, *prima facie* indicates the Applicant's nexus with the alleged transactions and necessitates further probing. The record indicates that the investigation is stated to be continuing and that certain material, including contemporaneous digital evidence such as alleged WhatsApp communications, has been recovered. However, a mere assertion of recovery of digital material, without demonstrable linkage, contextual analysis, or corroboration, cannot *ipso facto* establish any incriminating nexus attributable to the applicant. The nature of allegations, the *modus operandi* adopted, and the magnitude of the alleged economic offence clearly demonstrate that the investigation is at a sensitive and decisive stage, where custodial

interrogation may be required to unearth the larger conspiracy, trace the flow of funds and confront the Applicant with documentary and digital evidence.

65. It is a well-settled principle of law that the powers under Section 438 of the Code of Criminal Procedure and Section 482 of the *Bharatiya Nagarik Suraksha Sanhita* are extraordinary and discretionary, to be exercised sparingly and only in exceptional circumstances. Anticipatory bail is not intended to operate as a shield against a legitimate and lawful investigation, particularly in cases involving grave economic offences and allegations of corruption, which have far-reaching societal and public ramifications.

66. In the facts and circumstances of the present case, this Court finds that the allegations pertain to serious economic offences involving cheating, forgery, criminal conspiracy and corruption, with large-scale financial implications. The investigation is ongoing, several witnesses are yet to be examined, and material evidence is yet to be collected. At this stage, the Court is unable to discern any exceptional or compelling circumstance warranting the exercise of discretion in favour of the Applicant.

67. This Court is also mindful of the settled position that economic offences constitute a distinct class, and custodial interrogation in such cases assumes significance for a fair, effective and meaningful investigation. Be that as it may, all the above facts may be considered at the time of regular bail and not at this stage. Grant of anticipatory bail

at this juncture would not only impede the investigative process but may also prejudice the collection of evidence.

68. Having regard to the gravity of the allegations, the stage of the investigation, the nature of the material collected, and the absence of any exceptional circumstances, this Court is of the considered view that the Applicant has failed to make out a case for grant of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita. Consequently, the application seeking anticipatory bail is devoid of merit and is, accordingly, rejected.

69. It is clarified that the observations made hereinabove are confined strictly to the adjudication of the present anticipatory bail application and shall not be construed as an expression of opinion on the merits of the case. The investigating agency and the Trial Court shall proceed independently and in accordance with law, uninfluenced by any observations contained in this order.

Sd/-

(Arvind Kumar Verma)

Judge