HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 14698 of 2026

Niranjan Das

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Raghuvansh Misra, Saksham Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 55

HON'BLE VIKRAM D. CHAUHAN, J.

1. Learned A.G.A. for the State submits that instructions have been received and has no objection in case the bail application is heard on merits.

2. Heard Sri Raghuvansh Misra along with Sri Harsh Srivastava and Saksham Srivastava, learned counsel for applicant, Sri Kartikeya Saran, learned Additional Advocate General along with Sri Sanjay Kumar Singh, learned A.G.A. for the State and perused the record.

3. It is submitted by learned counsel for applicant that in the present case, initially First Information Report was lodged on 17.1.2024, under Sections 420, 467, 468, 471, 120-B IPC, Police Station State Economic Offence Wing/Anti Corruption Bureau, Raipur (Chhattisgarh) where number of accused were 70 and others. The applicant, who was Excise Commissioner at Chhatisgarh. It is alleged that scam of Rs.2161 crore in respect of illicit liqour was found in the State of Chhattisgarh. The applicant was one of the person, who was involved in drafting of policy of excise and tendering process in the State of Chhattisgarh. It is further alleged that applicant has drafted policy, which would benefit the manufacturer of hologram being M/s Prizm Holography Security Films Pvt. Ltd., Noida. It is further submitted that in the aforesaid FIR dated 17.1.2024, role of applicant is to the extent of drafting of policy and tender process, as the applicant was Excise Commissioner and proceeding under Prevention of Money Laundering Act was also initiated by the

Directorate of Enforcement in respect of offence under Section 3/4 Prevention of Money Laundering Act. Learned counsel for applicant submits that in respect of offence in the State of Chhattisgarh, the Hon'ble Supreme Court by order dated 25.5.2026 has enlarged the applicant on bail, copy of which has been produced and taken on record. The order dated 25.2.2026 is quoted herein below:

" <u>SLP(Crl.) No(s).6457/2026</u>

1. The petitioner seeks enlargement on bail in FIR No.04/2024 lodged by the Economic Offences Wing & Anti- Corruption Bureau, Raipur, under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code, 1860 and Sections 7 & 12 of the Prevention of Corruption Act, 1988. The petitioner was the Secretary, Excise Department, and it appears that he was subsequently appointed as Excise Commissioner, who is said to have control over the entire process and to have been complicit in the formulation of a beneficial policy in perpetrating the alleged crime. The petitioner was arrested on 18.09.2025. We are informed by the learned Additional Solicitor General that the investigation qua the petitioner is complete, and the chargesheet against him has already been filed. The investigation in respect of some co-accused is still going on and is likely to conclude soon. The trial, however, is yet to formally commence, and its conclusion will take some time. The co-accused persons of the petitioner have already been released on bail by this Court or by the High Court through various orders, including the order dated 28.01.2026 passed by this Court in SLP(Crl) No.16406/2024 & other connected matters.

2. Taking into consideration all the attending circumstances, however, without expressing any opinion on merits, the prayer for bail is allowed. The petitioner is directed to be released on bail subject to the same conditions that have already been imposed in the case of the co-accused.

3. The Special Leave Petition is, accordingly, disposed of. Pending applications, if any, stand closed.

<u>SLP(Crl) No.6562/2026</u>

4. The petitioner seeks enlargement on bail in a case registered by the Directorate of Enforcement through ECIR/RPZO/04/2024 under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002 (PMLA). The predicate offence is FIR No.04/2024 *dated 17.01.2024 registered by the Anti-Corruption Bureau of the Chhattisgarh State Police for the offences under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code, 1860 and Sections 7 & 12 of the Prevention of Corruption Act, 1988*

5. The petitioner was the Secretary, Excise Department and subsequently he was posted as Excise Commissioner. He is alleged to have control over the entire process and to have been complicit in the formulation of a beneficial policy in perpetrating the alleged crime. The role assigned to the petitioner is, thus, that of the orchestrator, and he is described as one of the kingpins. It is also alleged that the petitioner grossly abused the public office, causing large-scale financial implications to the State Exchequer.

6. The petitioner has been released on bail in the predicated offence by an order of even date passed separately. In the PMLA case, he was arrested on 19.12.2025. There are a total of 9 accused, out of which 8 have already been released on bail in the PMLA case. It is not in dispute that the investigation, qua the petitioner, is complete and a statutory complaint has already been filed against him. We find the list of witnesses and the documents that are likely to be placed for consideration of the Special Judge, and that the conclusion of the trial will take a reasonable long time.

7. Keeping in view the period already spent in custody, the fact that the co-accused have already been released on bail and that the conclusion of the trial will take some time, however, without expressing any opinion on the allegations, we direct the release of the petitioner on bail in the PMLA case also subject to the same conditions that have already been imposed in the case of co-accused.

8. The Special Leave Petition is, accordingly, disposed of. Pending applications, if any, stand closed."

3-A. It is submitted by learned counsel for applicant that Directorate of Enforcement by letter dated 28.7.2023 has reported the alleged scam to the State of Uttar Pradesh, as a result of same, present First Information Report has been lodged with the allegation that hologram has been prepared/manufactured at Noida, State of U.P. Learned counsel for applicant submits that the allegation in the FIR is to the effect that in respect of State of Chhattisgarh scam holograms were manufactured at Noida by M/s Prizm Holography Security Films Pvt. Ltd., Noida and the applicant and other accused persons including Arunpati Tripathi, who was

Special Secretary Excise were involved in tender and assistance in manufacturing and production of holograms, which was used in the liquours scam at Chhattisgarh. It is submitted that Arunpati Tripathi has already been enlarged on bail pursuant to the order dated 12.8.2024. The present allegation in the FIR are already part and parcel of the earlier FIR at Chhattishgarh where the applicant has been proceeded and has been enlarged on bail by Hon'ble the Supreme Court. Learned counsel for applicant submits that charge sheet has been submitted and there are 22 witnesses in the charge sheet, as such, there is no possibility that trial in the present case would be completed. It is further submitted that even otherwise, offence at U.P. is part and parcel of offence at Chhattisgarh even as per prosecution case. The criminal history of applicant has been explained in paragraph no.15 of the affidavit filed in support of bail application. Applicant is languishing in jail since 19.12.2025 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial.

4. Learned Additional Advocate General has opposed the bail application and submits that the holograms were manufactured in the State of U.P. and applicant along with other persons were involved in manufacturing of holograms at U.P. Although learned Additional Advocate General could not dispute the fact that the main offence is at Chhattisgarh and the bail has been granted to applicant in respect of offence at Chhattisgarh including offence under Prevention of Money Laundering Act. Learned Additional Advocate General submits that the offence at U.P. is a separate offence to the effect that manufacturing of hologram was made with connivance of applicant.

5. Learned AGA for the State has pointed out the criminal antecedents of the applicant. No material or circumstance has been brought to the notice of this Court with regard to tampering of evidence or intimidating of witness in previous criminal cases. In **Ash Mohammad Vs. Shiv Raj Singh, (2012) 9 SCC 446**, the Apex Court in para 30 has observed:-

"We may hasten to add that when we state that the accused is a history-sheeter we may not be understood to have said that a history-sheeter is never entitled to bail. But, it is a significant factor to be taken note of regard being had to the nature of crime in

respect of which he has been booked."

6. In the case of **Prabhakar Tewari Vs. State of U.P. and another, 2020 (11) SCC 648,** the Hon'ble Supreme Court has observed that pendency of several criminal cases against an accused may itself cannot be a basis for refusal of bail.

7. In so far as criminal antecedents of the applicant is concerned, it is not the case of the State that applicant might tamper with or otherwise adversely influence the investigation, or that he might intimidate witnesses before or during the trial. The State has also not placed any material that applicant in past attempted to evade the process of law. If the accused is otherwise found to be entitled to bail, he cannot be denied bail only on the ground of criminal history, no exceptional circumstances on the basis of criminal antecedents have been shown to deny bail to accused, hence, the Court does not feel it proper to deny bail to the applicant just on the ground that he had criminal antecedent.

8. The principle that Bail is a rule and Jail is an exception has been well recognised by Apex Court more specifically on the touch stone of Article 21 of the Constitution. The said principle has been reiterated by the Apex Court in **Satyendra Kumar Antil Vs. Central Bureau of Investigation and another**, **2022 (10) SCC 51**. Learned AGA has not shown any exceptional circumstances which would warrant denial of bail to the applicant.

9. No material, facts or circumstances has been shown by learned AGA for the State that the accused may tamper with the evidence or witnesses or the accused is of such character that his mere presence at large would intimidate the witnesses or that accused will use his liberty to subvert justice or tamper with the evidence.

10. It is settled principle of law that the object of bail is to secure the attendance of the accused at the trial. No material particulars or circumstances suggestive of the applicant fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like have been shown by learned AGA for the State.

11. Learned AGA for the State has not shown any material or circumstances that the accused/applicant is not entitled to bail in larger interests of the public or State.

11-A. It is to be seen in the present case that the main offence is alleged to have been committed at Chhattisgarh. Applicant was Excise Commissioner posted at Chhattisgarh when the scam was unearthed. Applicant was granted bail by Hon'ble the Supreme Court in the main offence registered at Chhattisgarh. The investigation is completed. There are 22 witnesses in the charge sheet.

12. Considering the facts and circumstances of the case, nature of offence, evidence, complicity of the accused, submissions of learned counsel for the parties and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

13. Let the applicant **Niranjan Das** involved in Case Crime No. 196 of 2023, under Sections 419, 420, 467, 468, 471, 484, 120-B IPC and Section 7 & 13 Prevention of Corruption Act, Police Station Kasna, District Gautam Buddh Nagar be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

i. The applicant will not tamper with the evidence during the trial.

ii. The applicant will not pressurize/intimidate the prosecution witness.

iii. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted and/or the applicant shall make himself available for interrogation by a police officer as and when required.

iv. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

v. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

vi. The applicant shall not leave India without the previous permission of the Court.

vii. In the event, the applicant changes residential address, the applicant shall inform the court concerned about new residential address in writing.

14. In case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Vikram D. Chauhan,J.)

July 7, 2026
D. Tamang