

RAGHUBIR SINGH
Special Judge (PC Act) CBI-18
Room No. 411, 4th Floor
Rouse Avenue Court Complex
New Delhi

**Case No. : RC0032022A0053 of CBI:ACB
U/s. : 120B R/w 477A IPC & Sec. 7 of PC Act 1988)As amended
in 2018)**

**CBI v. Sh. Manish Sisodia, Dy. Chief Minister, Govt. of NCT of
Delhi & Ors.**

03.10.2022

Present : Sh. Hari Mohan and Sh. Pankaj Gupta, Ld. Sr. PPs for the
CBI.
Accused produced in Police Custody granted earlier by the
Ld. Special Judge/CBI-09 (MPs & MLAs case RADC vide
order dated 28.09.2022).
Sh. Alok Kumar Shahi, IO/DSP in person.
Sh. Ramesh Gupta, Ld. Sr. Advocate along with Sh. Sumudra
Sarangi, Ms. Alisha Luthra, Ms. Simran Sidana and
Ms. Nitya Jain, Ld. Counsels for the accused.

This is an application moved on behalf of CBI seeking
extension of '04 days police custody' of accused **Vijay Nair**.

Arguments heard.

In the application in hand, it is stated that after being
arrested on 27.09.2022 and during the period of 05 days police
custody in terms of the order dated 28.09.2022, the accused was
confronted with evidences, witnesses, co-accused and was also taken
for the identification of the spot as reflected in Para 7 of the
application in hand. The accused was also got medically examined
every 24 hours during the police custody period and was also allowed
to meet his lawyer. In the application, a further need of 04 days PC is



reflected for further confronting him with the evidences, witnesses and co-accused so as to establish the money trail to unearth the large conspiracy and to establish the role of other accused persons and to know the fact which may be in the exclusive knowledge of the accused i.e. Vijay Nair.

During the course of arguments, Ld. Counsel appearing for accused vehemently opposed the extension of police custody by relying upon the Delhi High Court Rules and certain case laws such as :

Crl. Appeal No. 227/18 (Arising out of S.L.P. (Crl.) No. 151 of 2018 titled 'Dataram Singh Vs. State of Uttar Pradesh & Ors.

Crl. Appeal No. 1158/2012 (Arising out of S.L.P. (Crl.) No. 7821/2011, titled 'Stayajit Ballubhai Desai & Ors Vs. State of Gujarat'.

Bail Appln. 145 & 146/2015 'Samrat Singh Narula & Ors Vs. State of NCT of Delhi.

Criminal Appeal No. 1759 of 2017 (Arising our of S.L.P (Crl.) No. 8439 of 2016 'Santosh Vs. The State of Maharashtra'.

Criminal Appeal No. 1277 of 2014 (Arising our of Special Leave Petition (Crl.) No. 9127 of 2013 'Arnesh Kumar Vs. State of Bihar'.



It was contended on behalf of the accused that the only plausible ground being pleaded/argued on behalf of the prosecution is that the accused did not cooperate during the course of investigation and that there was no need for further extension of police custody as he has already undergone the same for 05 days.

As far as the case laws relied upon are concerned, each case has its own peculiar facts and circumstances to be considered for the purpose of granting or extending Police Remand. The CBI had lodged the present case on 17.08.2022 u/s 120B R/w 477A IPC further R/w Section 7 of PC Act against 15 persons shown arrayed as accused. The present accused namely Vijay Nair has been shown as accused no.5 therein. The FIR reflects allegations of commission of a number of irregularities in the framing and implementing the Excise Policy of NCT of Delhi for the year 2021-2022 and various known and unknown persons have been shown instrumental therein at various stages allegedly performing various roles and undue favours to the licensees for obtaining illegal pecuniary benefits. The allegations as appearing in the FIR are serious and detailed investigation is required for the purpose of arriving at a logical conclusion in the due course. Hence, it would be in the interest of justice to allow further Police Custody of accused Vijay Nair uptill 06th of this month on which date, he shall be produced before the Court concerned during the Court hours. During this further custody

period, the Investigating Agency shall abide by each and every direction/condition stipulated in the earlier order of PC Remand dated 28.09.2022 mainly for the purpose of medical examination of the accused and extending him facility of consulting his lawyer.

With these observations, the application in hand stands disposed of as allowed. Copy of the order may be given dasti to both parties.



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(Raghubir Singh)
Special Judge (PC Act) (CBI)-18,
Rouse Avenue District Courts,
New Delhi/03.10.2022

Special Judge (PC Act) CBI-18
Rouse Avenue Court Complex
New Delhi

*Attached true
copy
Ms 3/x/2022
(readies)*