

**AMITABH RAWAT**  
Special Judge, (PC Act) (CBI)-14  
Room No.-507  
Rouse Avenue Courts Complex,  
DDU, Marg, New Delhi

RC No. DAI-2022-A-53 of CBI, ACB, New Delhi  
U/S. 120B IPC r/w 477A IPC & Section 7 of Prevention of  
Corruption Act, 1988 (As amended in 2018)  
CBI vs. Kuldeep Singh & Ors.

**Dated : 26.06.2024**

Present : Sh. D.P. Singh & Sh. Pankaj Gupta, Ld. Sr. Special  
Public Prosecutors for CBI.

IO/ASP Rajiv Kumar and DSP Alok Shahi.

Accused Arvind Kejriwal produced from custody  
( he is in JC in PMLA case) on the production  
warrants issued by this Court.

Sh. Vikram Chaudhari, Ld. Sr. Advocate (through  
Webex) alongwith Sh. Vivek Jain, Mohd. Irshad, Sh.  
Karan Sharma, Sh. Mudit Jain, Sh. Rajat Jain, Sh.  
Sadiq Noor, Sh. Mohit and Sh. Kaustubh Khanna,  
Ld. Counsels for accused Arvind Kejriwal.

Sh. Vikram Chaudhari, Ld. Sr. Advocate has asked  
for the copies of the entire proceedings of interrogation and  
permission to arrest with production warrants.

Ld. Special Public Prosecutor for CBI submits that,  
in law, there is no right of the accused to get the said notice in  
advance or copies of the same and counsel for accused may apply  
for certified copies. Ld. Special Public Prosecutor submits that  
accused has not been arrested so far and he will provide the copy  
of remand application and grounds of arrest only after accused is  
arrested. He further submits that counsel for accused can argue  
only after his arrest.

Heard. Perused.



The accused Sh. Arvind Kejriwal has been produced today pursuant to the production warrants issued by the Court. The accused was in judicial custody in a connected matter of Directorate of Enforcement (ED) and an application was moved for his interrogation on 24.06.2024 before the Vacation Court of Sh. Gaurav Rao, Ld. Special Judge, CBI, which was allowed. Consequent to his interrogation and examination, CBI had moved an application on 25.06.2024 for permission to arrest the accused as he was in judicial custody and prayed for issuance of production warrants.

Today, accused Sh. Arvind Kejriwal has been produced in the Court on production warrants, for his arrest. He is assisted by his counsels.

Though Ld. SPP has stated that accused may apply for certified copies, yet he will be provided with the copies by the Court itself.

CBI has moved to arrest the accused in the present matter.

Matter will be taken up again.

**(Amitabh Rawat )**  
**Special Judge (PC Act) CBI-14-cum-**  
**Vacation Judge, Rouse Avenue District Court**  
**New Delhi : 26.06.2024**

**At 11.30 AM**

Present : Same as above.

(1) It is submitted by the Ld. Special Public Prosecutor that IO has arrested the accused Arvind Kejriwal in the present matter.



(2) IO has moved an application seeking police/CBI remand of accused Sh. Arvind Kejriwal for a period of 05 days.

(3) Ld. Prosecutor submits that he has supplied the copy of remand application and arrest memo to the counsel for accused.

(4) Arguments have been heard at length. Record perused.

(5) (i) Ld. SPP for CBI has argued that the present case was registered on the basis of source information and also written a complaint received from Director, MHA, Govt. of India conveying directions to competent authority for inquiry into the matter of irregularities in framing and implementation of Excise Policy of GNCT of Delhi for the year 2021-2022.

(ii) As stated in the application and argued, it was found that the formulation/implementation of the excise policy was manipulated to facilitate the monopolization and cartelization of wholesale and retail liquor trade in Delhi by accused from South India, comprising of the accused persons, i.e., Mootha Gautam, Abhishek Boinpally, Arun R. Pillai and Butchibabu Gorantla, under new policy through accused Vijay Nair for siphoning off 6% out of 12% windfall profit margin for wholesalers provided in the policy in lieu of upfront money of Rs. 90-100 Crores paid to the accused Vijay Nair, out of which Rs. 30 crores was paid through Hawala Channel using the approver Dinesh Arora. In pursuance to the said criminal



conspiracy, the accused persons from South group were given shares in the L-1 firm M/s Indospirits and 65% profit amounting to Rs. 29.29 Crores were transferred to the accused persons of South group. The wholesale license was issued to M/s. Indospirits by Delhi Excise Department despite pendency of complaints of cartelization and blacklisting against the partners of the said firm.

(iii) Four charge-sheets in the case have been filed against various accused persons against 17 accused persons, including those of the South group. Manish Sisodia, the then Deputy CM of GNCT of Delhi, Kavitha Kalvakuntla for commission of offences punishable under Sections 7, 7A, 8, 12 PC Act (as amended) and Sections 120-B r/w Section 201, 420 IPC. These also included aspects of the incorporation of favourable provisions in excise policy at the behest of South Group in lieu of payment of upfront money of Rs. 100 Crores, transfer of ill-gotten money of Rs. 44.45 Crores from the accused persons connected with South Group to Goa during the period June 2021 to January 2022 through Hawala Channel and utilization of the same for the elections campaign of AAP during the Assembly Elections at Goa, as well as the aspects of the larger conspiracy and the trail of kickbacks. Further investigation is under progress in respect of remaining FIR accused persons and others and is at a very crucial stage.

6. (i) Ld. SPP for CBI had argued that during investigation, name of Sh. Arvind Kejriwal, CM, GNCT of Delhi



has surfaced as one of the main conspirators of the criminal conspiracy in the commission of offences.

(ii) In view of the said remand application, “ it has been revealed that the accused Vijay Nair, a close associate of Arvind Kejriwal and Media In-charge of Aam Aadmi Party, was contacting various liquor manufacturers and traders and demanding undue gratification since March 2021, for incorporation of provisions favourable to them in the upcoming Delhi Excise Policy for the year 2021-22.

(iii) Sh.Magunta Sreenivasalu Reddy, MP from Ongole Parliamentary Constituency met Arvind Kejriwal, Chief Minister of Delhi, on 16.03.2021 in his office at Delhi Secretariat and requested him to provide support in liquor business at Delhi in the upcoming Excise Policy for the year 2021-22. In the said meeting: Arvind Kejriwal assured support to Sh. Reddy and asked him to contact co-accused K. Kavitha in this regard, as she was working with the team of Arvind Kejriwal on the upcoming Excise Policy of Delhi. In the said meeting. Arvind Kejriwal also told Sh. Reddy to provide monetary funding to Aam Aadmi Party. The said fact duly finds corroboration from the contemporaneous documentary material on record.

(iv) On 19.03.2021, co-accused K. Kavitha contacted Sh. Reddy over phone and requested for a meeting at Hyderabad. It is on this day that Vijay Nair had visited Hyderabad. During the said meeting held on 20.03.2021 at the residence of K. Kavitha in Hyderabad, she referred to his i.e. Sh.



Reddy's meeting with Arvind Kejriwal on 16.03.2021 and told him that a total amount of Rs. 100 Crores has to be arranged for Aam Aadmi Party as upfront money to be given by March, 2021K. Kavitha demanded Rs. 50 Crores from Sh. Reddy as his contribution for the said upfront money to be given to Aam Aadmi Party. Sh. Reddy was informed that Ms. Kavitha and her team of Abhishek Boinpally, Arun R. Pillai and Butchibabu Gorantla had already been working on New Excise Policy of Delhi in coordination with Vijay Nair, associate of Arvind Kejriwal, for getting favourable provisions in upcoming Delhi Excise policy.

(v) Accused Butchibabu Gorantla, CA of K. Kavitha met Sh. Reddy and his son Raghav Magunta (approver) on 21.03.2021 demanding Rs. 50 crores. Subsequently, Raghav Magunta delivered total Rs.25 crores to the co-accused associates of the K. Kavitha, i.e., Rs. 10 crores to Butchibabu Gorantla in March, 2021 and Rs. 15 crores to Abhishek Boinpally in June, 2021. In lieu of the same. Sh. Raghav Maguntawas given a partnership of 32.5% in the wholesale liquor licensee (L-1) firm M/s Indospirits under Delhi Excise Policy 2021-22. Vijay Nair was instrumental in getting wholesale business of the liquor manufacturer company M/s Pernod Ricard India Pvt. Ltd., which was having largest. i.e around 35% of market share in Delhi, to M/s Indospirits. This wholesale license was in violation to the rules and despite pendency of complaints of cartelization and blacklisting against the partners of M/s Indospirits, on the explicit direction and coercion of co-accused Manish Sisodia.



(vi) A Group of Ministers (GoM) was constituted under the Chairmanship of the accused Manish Sisodia for formulation of new Excise Policy for Delhi for the year 2021-22. The WhatsApp Chats, CDRs of the mobile phones of the co-accused Butchibabu Gorantla, Abhishek Boinpally and Arun R. Pillai and records of Hotel Oberoi, New Delhi revealed that they were camping at Delhi during the period 14th March, 2021 to 17th March, 2021 and were in close touch with accused Vijay Nair, a close associate of Arvind Kejriwal.

(vii) The first draft of GoM report dated 15.03.2021 has been retrieved from the official computer of the accused Manish Sisodia, in which the profit margin for wholesalers in New Excise Policy was 5% only. On 16th March, 2021, the abovesaid accused persons took print out / photocopy of 36 pages at Hotel Oberoi and thereafter, visited Hotel Oberoi Maidens, Delhi to meet Vijay Nair in evening on the same day. It has also been revealed from the CDR analysis of the mobile phone number of Vijay Nair that he had visited the CM's Camp office located at the residence of Arvind Kejriwal in the morning on the same day, i.e. 16th March 2021, which is the same day when Sh. Magunta Sreenivasalu Reddy, MP met with Arvind Kejriwal.

(viii) The investigation has revealed that Sh. C. Arvind, the then PS to Dy.CM Manish Sisodia was called by Dy. CM Manish Sisodia to the CM's camp office located at the residence of Arvind Kejriwal in the morning of 18th March, 2021 and in presence of Arvind Kejriwal, the accused Manish Sisodia gave him a draft of GoM report and directed him to get it typed



on the computer kept in the conference room of the office of Manish Sisodia. The said draft has been retrieved from the computer installed in the conference room of the office of the then Dy. CM Sh. Manish Sisodia and the same is also of 36 pages (excluding title & index page). In this report, the profit margin for wholesalers was enhanced from 5% to 12%, thereby incorporating the provisions for windfall gains to the wholesalers. The final GoM report came on 22nd March, 2021, in which the provision of enhanced profit margin of 12% for the wholesalers was incorporated.

(ix) The recommendations of GoM were incorporated in the draft new Excise Policy of Delhi for the year 2021-22, which was approved by Arvind Kejriwal on 15.04.2021 for placing the same before the Cabinet for approval. The Cabinet approved the same on 15.04.2021 and file was sent to Hon'ble LG on 20.04.2021 to express any difference of opinion under proviso to Article 239 AA(4) of the Constitution of India. Thereafter, the file was returned from the office of Hon'ble LG on 19.05.2021 with the note "The instant matter was discussed with Hon'ble LG with Hon'ble CM and Hon'ble Dy.CM. The file is being returned accordingly. "Accused Manish Sisodia, the then Dy.CM mentioned in the file that Hon'ble LG has given 07 suggestions for incorporating in the new Excise Policy on 20.05.2021. On 21.05.2021, the file of Delhi Excise Department regarding formulation of New Excise Policy, was got approved from the Cabinet through circulation on the directions of Arvind Kejriwal. On the same day i.e. 21.05.2021, the file was again sent to Hon'ble LG through Arvind Kejriwal. The file was returned on





24.05.2021 and the policy was notified on 25.05.2021 having the provisions of enhanced profit margin of 12% for the wholesalers. As such, the file relating to New Excise Policy of Delhi was moved in very hurried manner during the peak of 2nd wave of corona pandemic. It has been confirmed by Sh. Pravesh Jha, Additional Secretary to the CM Arvind Kejriwal that he was asked by Sh. Bibhav Kumar, PS to Arvind Kejriwal that the Chief Minister has desired that the draft Excise Policy has to be got approved by Council of Ministers through circulation urgently. Further corroboration of the complicity of the accused is evident from the fact that co-accused Butchibabu Gorantla, Abhishek Boinpally and Arun R. Pillai had come to Delhi on 20.05.2021 in a Chartered Flight and had a meeting with the accused Vijay Nair, approver Sh. Dinesh Arora and some liquor businessman of Delhi at the guest house of Uttam Galva Company situated at Gauri Apartments, near Claridges Hotel, New Delhi on 21.05.2021. The said guest house was got booked by Sh. Bibhav Kumar, PA of Arvind Kejriwal.

(x) Total amount of Rs. 44.54 crores has been sent through hawala channels to Goa from Delhi, which was used for meeting various election related expenses of Aam Aadmi Party during the Goa Assembly Election 2021-22. Money was started to be sent to Goa through hawala channel from 21 June, 2021 onwards. Out of total amount of Rs. 44.54 crores, Rs. 11.94 crores was sent by the accused Rajesh Joshi of M/s Chariot Media Production Pvt. Ltd., which was engaged by Aam Aadmi Party for outdoor campaigning work during Goa Assembly Election, for making payment in cash to the vendors engaged for



outdoor campaign work of Aam Aadmi Party. Rs.30 crores was sent by the accused Abhishek Boinpally through the approver Dinesh Arora, which was collected by the accused Rajesh Joshi of M/s Chariot Productions Media Pvt. Ltd., on the directions of the accused Vijay Nair. It has been further revealed that the ill-gotten money transferred to Goa through hawala channel from Delhi was collected by the accused Chanpreet Singh Rayat, a volunteer of Aam Aadmi Party at Goa from the hawala operator Sh. Sagar Patel of M/s R. Kanti Lal & Sons. It has been further revealed that the accused Chanpreet Singh Rayat, who has received cash amounts from the hawala operator Sh. Sagar Patel, was paid salary by Aam Aadmi Party. during the relevant period. The statements recorded u/s 161 & 164 Cr.PC of booth in-charges, Assembly Managers, Survey In-charges and vendors, engaged by Aam Aadmi Party, in connection with Goa Assembly Elections during 2021-22, have revealed that cash payments have been made to them by the accused Chanpreet Singh Rayat. M/s Chariot Productions Media Pvt. Ltd. was engaged by Aam Aadmi Party for outdoor campaign works for Goa Assembly Election 2021- 22. It has also been revealed that a payment of Rs.1 lakh has been made by the accused Chanpreet Singh Rayat towards booking of meeting hall at Hotel Grand Hyatt in Goa on 07.11.2021 for the meeting of volunteers of Aam Aadmi Party. organized and attended by Arvind Kejriwal.

(xi) Arvind Kejriwal was earlier examined on 16.04.2023, however, in the light of material and facts surfaced during further investigation, his further examination and investigation to ascertain his role was required. The Competent



Authority accorded permission under Section 17A of PC Act, 1988 (as amended in 2018) to investigate the role of Arvind Kejriwal.

(xii) Arvind Kejriwal was examined/ interrogated in Tihar Jail on 25.06.2024 During his interrogation, he remained evasive and non-cooperative, failing to give satisfactory replies to the questions raised to him regarding his role in the matter of demand of upfront money of Rs. 100 Crores from co-accused persons of South Group, the acceptance and delivery of the same to Aam Aadmi Party through his close associate Vijay Nair as well as utilization of the ill-gotten money so received in the Assembly Elections of Goa during the year 2021-22 to meet the election related expenditures of Aam Aadmi Party. He further gave evasive replies regarding his role and the role of other co-accused in respect of criminal conspiracy hatched. His replies are contrary to the oral and documentary evidence gathered by CBI during the investigation. He is not disclosing the facts truthfully, despite being confronted with the incriminating evidence and also concealing the vital facts, which are exclusively in his knowledge. These facts are relevant for the purpose of the investigation to reach to the just conclusion of the case.

(xiii) The present application seeking police/CBI remand of Arvind Kejriwal. Till date, accused has remained evasive and has been avoiding questions on material aspects, with his answers being contrary to the facts and records.



(xiv) The custodial interrogation of accused is required for confronting him with the evidence to unearth the larger conspiracy hatched among the accused/suspect persons regarding formulation and implementation of the Excise Policy, which facts have come on record during the investigation and explained above. His custodial interrogation is also necessitated to confront him with witnesses/suspects or such other persons as deemed necessary. His custodial interrogation is necessary to establish the money trail of ill-gotten money generated. The custodial interrogation of accused is sought to establish the role of other accused/suspect persons including public servants as well as to unearth the facts which are in his exclusive knowledge, more specifically since he is influential and may derail the investigation herein, including tampering with the evidence and influencing witnesses. His custodial interrogation is as such imperative for the investigation to reach its logical conclusion.”

(xv) It was argued by the Ld. SPP that Sh. Magunta Sreenivasalu Reddy, Member of Parliament has given his statement under Section 164 Cr.P.C in March 2024 implicating Arvind Kejriwal. Son of Sh. Magunta Sreenivasalu Reddy is an approver in this case. C. Arvind has also given statement bringing out the role of the accused persons and the conspiracy. The entire policy was changed with manipulation at the behest of the accused. He has referred to the chronology of events leading upto his arrest.

7. (i) Sh. Vikram Chaudhary, Ld. Sr. Advocate for the accused has argued that apart from the merits of the case which



are totally against the agency, there are twin issues of necessity to arrest and the applicability of Section 41A of Cr.P.C. It was vehemently argued that CBI had all the material with it even when it filed previous three charge-sheets. The arrest has been made only after the bail order granted by Ld. Special Court (which has been stayed) in the PMLA matter. Moreover, the arguments made against Sh. Arvind Kejriwal are essentially the same as against Manish Sisodia which was one year back. He had referred to various paragraphs of the custody application to contend that the same are vague and bereft of details. He has also highlighted the conduct of the agency and referred to statement of Sh. Magunta Sreenivasalu Reddy (MP) and his son given in the PMLA matter under Section 50 of PMLA. It was contended that the statement of the said witness was available in 2023 and it cannot be said that in 2024, he had stated anything new. The said statement was obtained under duress. It was also contended that earlier accused Arvind Kejriwal was given a notice under Section 160 Cr.P.C for his appearance as a witness but suddenly he has now been considered as an accused. He has also referred to judgments of Hon'ble Apex Court in Satyender Antil & Arnesh Kumar.

(ii) Ld. Sr. Advocate had strongly argued that there was no necessity to arrest the accused considering the nature of the offence. He has referred to the grounds of arrest as mentioned in the arrest memo to contend that grounds have been stated in a very pedantic manner. A vague statement of non-cooperation with the investigation and, necessity to confront evidence



gathered during investigation to the accused and threat of influencing the witnesses have been made.

(iii) Ld. Counsel for accused has moved an application calling for rejection of the prayer to remand the applicant into custody and to release the applicant holding the arrest illegal.

Ld. Counsel for applicant/accused has filed following judgment :-

*i) Arnesh Kumar vs. State of Bihar & Anr. (2014) 8 SCC 273;*

*ii) Manish Sisodia vs. ED/CBI, SLP (Crl.) No. 7795- 7799 of 2024;*

*iii) Satyender Kumar Antil vs. CBI & Anr. (2022) 10 SCC 51;*

*iv) Chanda Deepak Kochar vs. Central Bureau of Investigation, 2023 SCC OnLine Born 72;*

*v) Lalita Kumar vs. Govt. of U.P. (2014) 2 SCC 1.*

8. Ld. Special Public Prosecutor for CBI has rebutted the contention of the counsel for accused arguing that initially Arvind Kejriwal was indeed called under Section 160 Cr.P.C but later during investigation, his role as a main conspirator surfaced. On 23.04.2024, permission under Section 17 A of P.C Act has been received against him. Since the accused was being considered for bail before the Hon'ble Supreme Court of India, they had not moved for his arrest and waited for the elections to get over.



He further submitted that accused has to be confronted with various documentary evidence as also individuals to reach just conclusion of the case. He further submitted that they have already undertaken before the Hon'ble Supreme Court of India to conclude the investigation at the earliest.

9. During arguments, Ld. SPP had vehemently argued that permission/sanction for certain individuals in reference to this case was not granted by the Punjab government showing that accused can derail the investigation and influence the witnesses. Moreover, many cases have been filed against certain persons in Punjab.

10. (i) The present case registered under Section 120 B IPC r/w 477A IPC & Section of 7 of Prevention of Corruption Act, 1988 pertains to the formulation and implementation of Excise Policy of Govt. of NCT of Delhi for the 2021-2022. The investigation in this case is continuing and so far four charge-sheets have been filed.

(ii) CBI has arrested the accused Sh. Arvind Kejriwal today in the Court. As per CBI, the accused has turned out to be one of the main conspirators of the Excise Policy. He was the Chief Minister.

(iii) Ld. Special Prosecutor had referred to the entire Excise Policy which has also been discussed earlier in the previous applications of other co-accused persons. Though he admitted that Sh. Arvind Kejriwal was earlier served a notice under Section 160 Cr.P.C, yet it was forcefully submitted that further investigation has revealed his role as an accused. He has, in particular, referred to the statements of Magunta Sreenivasulu Reddy (Member of Parliament) under Section 164 Cr.P.C recorded on 25.01.2024 and statement of his son



Raghav Magunta recorded on 20.01.2024 under Section 164 Cr.P.C. Apart from other material adverted to, reference was also made to the statement of C. Arvind. It was argued that the role of the present accused became clear and permission under Section 17A of PC Act was given on 23.04.2024. Thereafter, accused was examined and interrogated at Tihar Jail (he is in custody in connected PMLA matter). They found his replies to be evasive and non-cooperative and he did not give any satisfactory reply to the questions raised regarding his role in demand of money of 100 Crores from co-accused persons from South Group, acceptance and delivery of the same through his associate Vijay Nair and utilization of ill-gotten money for the Assembly Election of Goa. His replies were found contrary to the oral and documentary evidence gathered during investigation and gave evasive replies regarding co-accused persons in respect of criminal conspiracy. For the said reasons, the accused was arrested so that his custodial interrogation could be taken for unearthing the entire conspiracy.

(iv) Ld. Sr. Advocate had stressed that there was no necessity to arrest the accused at this stage. He had referred to the timing of the arrest. This Court has to consider, at this stage, the merits of the case. The timing may be circumspect but it is not the clear criterion for declaring an arrest illegal.

(v) Regarding the applicability of Section 41A of Cr.P.C, the CBI has taken the permission of the Court before examining and interrogating the accused and based upon the interrogation report and the evidence collected during investigation, have found the necessity to arrest the accused as stated above in point III. At this stage of investigation, statement of witnesses and documentary evidence will





be considered as it is. The police custody remand of the accused is, therefore, warranted.

(vi) Investigation is the prerogative of the investigating agency. There are certain safeguards provided in the law and at this stage, on the material on record, it cannot be said that the arrest is illegal. The agency, however, should not be over zealous.

(vii) In view of the factum of the investigation leading to the arrest of the accused, the role ascribed to him and the necessity to confront the accused with the evidence in the present case of conspiracy, the present police remand application of the accused is allowed. However, it shall be for a period of three days from today. Accused Arvind Kejriwal be produced on **29.06.2024 before 07 PM**. Accused be medically examined immediately and thereafter in terms of guidelines of Hon'ble Supreme Court of India. All the safeguards and directions of the Hon'ble Supreme Court of India be scrupulously followed during the police remand. Sh. Vivek Jain and Mohd. Irshad, Ld. Counsel for the accused alongwith wife of the accused may collectively have a meeting of one hour on each day from 6.00 PM to 7.00 PM of the remand. Let the medically prescribed diet/home cooked food be provided to the accused during the police custody remand. Accused may also be provided with the prescribed medicines as well as glucometer during the remand. Accused be also allowed to take spectacles.

The application for police custody remand of accused is accordingly disposed off on the aforementioned terms while application filed on behalf of accused calling for rejection of the prayer to remand the applicant into custody and to release the applicant holding the arrest illegal, is dismissed.



Copy of this order be given dasti to IO and counsels  
for acused.

Copy of this order be sent to Superintendent, Central  
Jail, Tihar for information.



(Amitabh Rawat )

**Special Judge (PC Act) CBI-14-cum-  
Vacation Judge, Rouse Avenue District Court  
New Delhi : 26.06.2024**

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