



2025:CGHC:24008

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3159 of 2025

Shashank Chopda Aged About 32 Years S/o Shantilal Chopda R/o Shop No. 35, Chopda Compound Ganjpara Durg District - Durg (C.G.)

... Applicant

Versus

State of Chhattisgarh Through Additional Superintendent of Police Economic Offence Wing / Anti Corruption Bureau District - Raipur Chhattisgarh

... Non-applicant

For Applicant	: Mr. Siddharth Mridul and Mr. Ajay Mishra, Senior Advocates, assisted by Mr. Pragalbh Sharma, Ms. Ruchi Nagar and Mr. Prashant Bajpai, Advocates.
For Non-applicant/State	: Dr. Sourabh Kumar Pande, Deputy Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

13/06/2025

1. The applicant has preferred this first bail application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No. 05/2025 registered at Police Station, Economic Offence Wing/Anti Corruption Bureau, Raipur, for the offence punishable under Sections 409 and 120B of the Indian Penal Code and Sections 13(1)(A, 13(2) and 7(C) of the Prevention of Corruption Act, 1988.
2. The prosecution story in brief, is that, a secret information was received

to the Police Station, EOW/ACB, Raipur that in year-2021 under the Scheme "Hamar-Lab" (At District level & at level of Community health Centre) the Public Health and Family Welfare Department had directed the Department to purchase necessary Equipment, Machines, etc. through Chhattisgarh Medical Services Corporation Ltd. (*for short, the CGMSCL*), acting on which CGMSCL purchased the same in month of March-April, 2023. The allegations are that the Director of Health Services, CGMSCL and their Officers, without evaluating the budget and demand had placed the order of equipment, machines etc. disproportionately and the concerned Officers in connivance with the other Companies while discharging their official duties, have improperly and dishonestly performed public duties and committed criminal misconduct by entering into a criminal conspiracy with Mokshit Corporation, CB Corporation, Records and Medicare System, Shri Sharda Industries and others Companies, by purchasing the same at much higher price than the actual with an intention to cause profit to the Companies, and they have made unnecessary purchase of machines and reagents. Neither the availability of budget was ensured for the said purchase nor was any administrative approval obtained in this regard and in this whole exercise, a total loss of approximately Rs. 411 crores has been caused to the State Government. An FIR against the officers of CGMSCL, Raipur and Officers of Directorate of Health Services, Raipur, Mokshit Corporation, Ganj Para, Durg, CB Corporation, G.E. Road, Durg, Records and Medicare System, HSIIDC, Panchkula Harayan, Shri Sharda Industries, Dharsiwa, and six others were registered by the concerned police.

3. Mr. Siddharth Mridul and Mr. Ajay Mishra, learned Senior Advocates appearing for the applicant submit that the specific allegation against the

Mokshit Corporation is that (i) the concerned Department has purchased EDTA-Tubes (used for collection of blood- samples) were purchased from Mokshit Corporation at the rate of Rs 2352 per piece, whereas other institutions purchased this material at a maximum rate of Rs 8.50 (ii) the Corporation has also purchased reagents worth Rs. 300 Crore so that expiry date of the chemicals available with Mokshit Co. Pvt. Ltd. did not come to end (iii) for supply of Medical Equipment, tender was floated and invited on 26.08.2022, in which the committee had declared Mokshit Co. L-1, and granted the contract for purchase of the CBC machines, and the said Company supplied the same of Rs. 17,00,000/- whereas in market same is of Rs. 5,00,000/- and lastly (iv) the Mokshit Corporation is running with other firms Recorders and Medicare System, & Shri Sharda Industries committed criminal conspiracy to cause profit to one company.

4. Mr. Mridul submits that the applicant had no role to play in the commission of alleged offence. The petitioner was merely a bidder in the tender floated by the CGMSCL in which he was awarded the order for supply of machines and reagents. It is not that the State Government has suffered loss, but on the contrary, it is the applicant and the Company which has suffered loss of Rs. 351 crores. The supplies were made only on the orders placed by the CGMSCL. In order to escape from the liability of making the payment for the supplies made, the applicant has been made the scape goat and a false case has been registered against him by the CGMSCL. The applicant does not have any control over the Officers of either State Government or the CGMSCL and the supplies of the machines, equipment and reagents were made only on the orders placed by the CGMSCL. From the FIR itself the said scheme was launched by the State Government namely "Hamar-Lab" to provide better

and advance-medical facilities at District Level and Health Community-center-Level, same was supplied through the state in about 200 districts (as per the FIR itself) as such in a highly malicious manner the applicant is being prosecuted by way of the FIR.

5. Mr. Mridul further submits that the mala fide of the investigating agency is also evident from the fact that, investigation by the EOW/ACB police is on a pick and choose manner, as neither the erring official of CGMSCL nor the erring officers of the Director of Health Department are questioned or arrested by the them untill the order of the Hon'ble High Court, whereas the entire FIR speaks loud and clear about the neglect and corrupt act the government officials, there is no allegation against the applicant about corruption the appellant is not even in position of mainly any corruption. The entire process in tender evaluation, finalization, reagent supplies has been completed and same has been already recorded in the government records which cannot be changed or alter by any means. All documents are submitted online which cannot be changed by anyone after submission of tender when it is opened, so no evidence can be tempered by anyone. During search, EOW have seized mobile phone and computer form the office of applicant. So there is no chance of tampering with the evidence therefore the applicant may be enlarged on bail.
6. Mr. Mridul further submits that in Special Leave to Appeal (Crl.) No. 5151/2025 vide order dated 07.04.2025 the Hon'ble Supreme Court has stayed the arrest of the co-accused Rajesh Gupta in said Crime No. 05/2025, therefore, considering the same and on ground of parity the applicant may also be enlarged on bail. In the present case, none of the ingredients of Section 409 and 120B of the IPC or Section 13(1)(A), 13(2) and 7(C) of the PC Act are present and as such, the applicant

deserves to be enlarged on bail.

7. Mr. Mridul next submits that the allegation that EDTA tubes used for blood sample collection were purchased from Mokshit Corporation at the rate of Rs 2352 per piece, whereas other institutions purchased this material at a maximum rate of Rs 8.50. This allegation is totally vague because as the letter dated 22/3/2024 issued by the CGMSE to DHS it is evident that price quoted as 'Rs 2352' per piece has to be read as 'Rs 23.52' per piece. There is no regulation of pricing of reagents in DPCP and the manufacturer is at liberty to decide the cost of the reagents keeping in mind the specification used in manufacturing the product. One of the allegation is that CBC machines sold by the manufacturing companies in the open market are sold for only Rs. 5,00,000/-, the same machines are being given to CGMSCL for Rs. 17 lakhs by Mokshit Corporation by entering into a rate contract through tender. CGMSCL enters into rate contracts only with machine and equipment manufacturing companies, whereas Mokshit Corporation does not have any factory (production unit) for making machine and equipment used in the hospital, and neither are any equipment manufactured by Mokshit Corporation, but still, on the basis of its influence and temptation of commission, Mokshit Corporation has got most of the rate contracts done in the name of its Company by making arrangements with the officials. All supplies were completed till September-October 2023 and since payment were dues after many request and follow-ups it was not cleared by CGMSE because they were not having budget. A letter (46/CGMSE/Finance/2024 Dated 03/4/24) to DHS for demanding budget to clear the payment. As reagent of major equipment was over, they forced applicant to supply, without clearing old payment and the applicant wrote a letter that unless due payment is not cleared he will not

be able to supply, then they suddenly terminated the rate contract agreement via letter dated 23.08.2024, mentioning fact that due to change in policy it has been cancelled knowingly the fact that all machines are closed system which only required Company reagents no other can supply.

8. According to Mr. Mridul, the main allegation against the applicant is criminal conspiracy but a single person cannot make a conspiracy with itself. The applicant is the permanent resident of the State of Chhattisgarh and therefore there is no chance of absconding neither there is any chance of tempering any kind of evidence. The applicant is in custody since 28.01.2025 without any ground and reason, and the bail application has been rejected by the learned trial Court merely for reason that the applicant is likely to flee is highly unjust, improper and unsustainable. Hence, he prays that this bail application may be allowed.
9. On the other hand, Dr. Pande, learned Deputy Advocate General for the State/non-applicant opposes the bail application and submits that in the FIR that CGMSCL purchased reagents without following the procedures and without making a proper assessment of the requirement of reagents. While assessing the requirement of equipment and machines by the Directorate of Health Services, no study was done at the district level and the demand letter was issued without assessing the availability of proper space, power supply, cold storage arrangements in the concerned institution for setting up the machines. Reagents are required for using the above machines. For this, the responsibility of evaluating the specification of the reagent and its quantity institution-wise lies with the Director of Health Services. An expert committee was formed at the Directorate level by the Director of Health Services. The quantity of the reagent was determined institution-wise by them. This was a kind of

table top exercise. The established method of determining the requirement of any type of medicine/reagent etc. is that each institution enters its requirement in the online model 'DPDMIS', which is compiled and finalized by the expert committee of the Directorate of Health Services. There was no 'DPDMIS', model for reagents but the Director of Health Services did not make any such effort so that the required quantity of reagents could be analyzed institution-wise. If the Director of Health Services wanted, it could have developed this model in 'DPDMIS', or could have provided the information of the required quantity institution-wise from Google Sheet. But this was not done due to which the quantity of reagents to be purchased was determined to be much more than the requirement. Before giving the indent for purchasing reagents, neither the budget availability was ensured by the Director of Health Services nor any administrative approval was obtained. Without bringing the Government to notice, a purchase of about Rs. 411 crores was made on the government. It is worth mentioning here that the purchase order for the entire quantity was issued by CG Medical Services Corporation in a gap of only 26-27 days. There was no arrangement for the maintenance of these reagents, yet the reagent supplier stored all the reagents in one place in all the designated health centers. In this way, the officials of CGMSCL did not follow the established procedure of the government and worked to provide personal benefit to the supplier of the reagents. Refrigerators were required for storing the reagents and they were to be stored at 4°C but despite knowing that the necessary machinery for their storage is not available at the facility centers, the purchase order for such reagents was issued in full quantity. The CGMSC was aware of the storage and distribution, but despite being aware, the actual facts were ignored and the prescribed vigilance and established governance process was not followed in order to provide personal benefit to the

supplier of the reagent, it is mentioned in the FIR. The equipments and the reagents were purchased at a very highly superficial rates and near expiry products were supplied to the CGMSCL.

10. Mr. Pande submits that the applicant is the master mind of the formation of the cartel. He has influenced the officials of the CGMSCL for getting the conditions of the tender tailor made as per his suitability. He has used bogus bills from Companies for personal gain. Further, the technical objections raised were got resolved in a wrong manner. The machines and equipments supplied by the applicant were not manufactured by the applicant's Company but were manufactured by other Company.
11. Mr. Pande further submits that the specifications of the medical equipment for which tender was invited by the CGMSCL are tailor-made and match the specifications of a particular Company which has caused loss to the government. Two of the Companies had made a complaint in this regard earlier. The applicant connived with the officials of the State and the CGMSCL and other Companies and caused a huge loss of Rs. 411 Crores. It is not an ordinary financial crime but a crime committed in an organized manner and investigation with regard to other officials is still going on and as such, the applicant may not be released on bail. He further submits that five other co-accused who are public servant / Government Officials of CGMSCL in whose connivance the applicant has committed the crime in question, have been arrested by the non-applicant. There is every possibility that if the applicant is released on bail, he may tamper with the evidence and influence the witnesses.
12. I have heard learned counsel for the parties and perused the case diary.
13. The present is a case which involves economic offence and which is considered to be more serious than conventional crimes as they affect

the entire economy and pose a serious threat to the financial health of the country while shaking public confidence in the financial system. Such crimes committed during the course of economic or business activities cause financial harm and adversely impact the country's economic well-being and financial health. These offences typically involve fraudulent activities that affect both public and private financial interests. The non-applicant has still to investigate the case with relation to the involvement of the government officials/officials of the CGMSCL without whose connivance, the applicant could not have been able to secure the tender in question and that too, at an excessive rate.

14. It is well settled that while granting bail, the Court has to consider three factors viz. flight risk or likelihood of fleeing justice, likelihood of tampering with the evidence and likelihood of influencing the witness. In the present case, since there is a connivance between a private Companies and the officials of the State, it cannot be ruled out that the applicant would not try to tamper with the evidence or influence the witnesses. Economic offences constitute a different class and need to be visited with different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and is considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.
15. In ***State of Gujarat v. Mohan Lal Jitmalji Porwal*** {(1987) 2 SCC 364}, the Apex Court observed as under:

"The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the

community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest....”

16. Further, in ***State of Maharashtra through CBI, Anti Corruption Branch, Mumbai v. Balakrishnan Dattatreya Kumbhar*** {(2012) 12 SCC 384}, it has been observed by the Apex Court that corruption is not only a punishable offence but also undermines human rights, indirectly violating them, and systematic corruption, is a human rights violation in itself, as it leads to systematic economic crimes.
17. In ***Nimmagadda Prasad v. Central Bureau of Investigation***, {(2013) 7 SCC 466}, it was observed by the Hon’ble Apex Court that in the last few years, the country has been seeing an alarming rise in white collar crimes which has affected the fiber of the country’s economic structure and the economic offences have serious repercussions on the development of the country as a whole. It was further observed as under:

“27. While granting bail, the court has to keep in mind the nature of accusations, 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.”

18. Considering the facts and circumstances of the case, nature and gravity of offence levelled against the applicant and the fact that in the present case though charge sheet has been filed in respect of the applicant, however, the non-applicant is still investigating the matter with respect to other accused persons and further five co-accused persons who are public servant/government officials of the CGMSCL who connived with the applicant, and other co-accused persons, who are still to be arrested and whose involvement is to be unearthed during investigation, and further that the present is a case where the allegation is that the applicant alongwith other co-accused have caused a huge financial loss to the tune of Rs. 411 crores to the State Government and it is not an ordinary financial crime but a crime in an organized manner. The documents appended with the petition prima facie discloses that the investigation has established that the applicant masterminded an elaborate and well-orchestrated criminal conspiracy by creating multiple fictitious companies in the names of his relatives and close associates. Under the guise of packaging, repair, maintenance, consultancy, and logistics services, he generated fraudulent invoices exceeding Rs.150 Crores. Further, because of the supplies made by the applicant with respect to the equipment/machines, which are closed system, it seems that the CGMSCL will have to purchase the reagents from the applicant's Company as the reagents of other Company cannot be used which gives a monopoly to the applicant to supply the reagents it at a price of his choice in future, and because of such act, the people of the State are deprived of various pathological tests that could be conducted in the

Primary Health Centre, Community Health Centers, District Hospitals etc. which is a direct loss to the people of the State. The acts committed by the applicant are not only grave economic offences but also crimes against the welfare of society at large. Granting bail to the applicant at this stage would not only embolden corrupt practices but also send a highly detrimental message to society, undermining public confidence in the justice delivery system. So far as the contention of the applicant that the arrest of one of the co-accused Rajesh Gupta, has been stayed by the Hon'ble Supreme Court is concerned, the case of the applicant stands on a different footing as he appears to be the direct beneficiary in the crime in question and cannot be equated with that of Rajesh Gupta. As such, this Court is of the view that this is not a fit case to enlarge the applicant on bail.

19. Accordingly, the bail application of the applicant-**Shashank Chopda** involved in Crime No. 05/2025 registered at Police Station, Economic Offence Wing/Anti Corruption Bureau, Raipur, for the offence punishable under Sections 409 and 120B of the Indian Penal Code and Sections 13(1)(A, 13(2) and 7(C) of the Prevention of Corruption Act, 1988, **rejected** at this stage.
20. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Amit