



2026:CGHC:9326

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1839 of 2026**

Basant Kumar Kaushik S/o Shri M.L. Kaushik Aged About 44 Years R/o
Phase-2, Wood Island Colony, Amleshwar Patan, District- Durg (C.G.)

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

State Of Chhattisgarh Through Additional Superintendent Of Police
Economic Offence Wing/Anti-Corruption Bureau, District- Raipur (C.G.)

... Respondent(s)

For Applicant(s) : None.

For Respondent(s) : Mr. Saumya Rai, Dy. G.A.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****23.02.2026**

1. This is the second bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 05/2025 registered at Police Station Economic Offence Wing/Anti-Corruption Bureau, District- Raipur (C.G.) for the offence punishable under Section 120-B and 409 of the IPC,



Section 13(1)(A), 13(2) and 7(c) of the Prevention of Corruption Act.

2. This is the second bail application of the applicant, the first bail application of the applicant was rejected by this Court vide order dated 15.09.2025 in MCRC No.5110 of 2025. Thereafter, the applicant preferred Special Leave to Appeal (Crl.) No. 16149 of 2025 before the Hon'ble Apex Court, which came to be dismissed as withdrawn.
3. Case of the prosecution, in brief, is that on the basis of a secret information received at Police Station EOW/ACB, Raipur, an FIR No.05/2025 dated 22.01.2025 was registered for offences punishable under Sections 120-B, 409, IPC and under Sections 13(1)(A), 13(2) and,7(C) of the Prevention of Corruption Act. It is the case of the prosecution that in light of the scheme of "Hamar Lab", which is a District Level Health Centre, the Directorate of Health Services (for short, the DHS) had issued a demand letter to Chhattisgarh Medical Services Corporation Ltd. (for short, the CGMSCL) for purchase of medical equipment and reagents under the said scheme. The CGMSCL, in turn floated Tender No. 182/EQP/CGMSCL/2022-23 dated 26.08.2022 for rate contract of equipment, wherein one Mokshit Medicare Pvt. Ltd. was declared as the L-1. It has been alleged that concerned officers of Directorate of Health Services and CGMSCL entered into criminal conspiracy with Mokshit Medicare Pvt. Ltd. by making tailor-made



conditions and technical specification in the tender to benefit Mokshit Pvt. Ltd. Further, it has also been alleged that the criminal breach of trust was done with an intention to cause profit to the said Company by making unnecessary purchase of medical equipment and reagents, that too, at a higher rate which resulted in a total loss of Rs.411 Cr. to the State Government. Hence, the bail application.

4. On the other hand, learned State counsel opposes the bail application and submits that the applicant, while holding a responsible position in the Directorate of Health Services and/or Chhattisgarh Medical Services Corporation Ltd., entered into a criminal conspiracy with other officials and Mokshit Medicare Pvt. Ltd. in connection with the "Hamar Lab" scheme, and facilitated issuance of a tailor-made tender (Tender No.182/EQP/CGMSCL/2022-23) with restrictive technical specifications to favour the said company. The applicant is alleged to have abused his official position by approving and processing procurement of medical equipment and reagents at inflated rates and beyond requirement, thereby committing criminal breach of trust and misconduct under the Prevention of Corruption Act, resulting in alleged wrongful loss of about Rs.411 Crores to the State Government and corresponding wrongful gain to the private company. Therefore, the applicant is not entitled for grant of bail.
5. I have perused the case diary and the documents appended with



the bail application.

6. From perusal of the records, it transpires that this is the second bail application of the applicant and first bail application of the applicant was rejected by this Court vide order dated 15.09.2025 in MCRC No. 5110 of 2025 on the ground that the applicant, being government officials holding key and influential positions, were in a position to influence the Tender Committee and the procurement process. The material placed on record, including the detailed objections filed by the respondent ACB, *prima facie* disclosed their individual and active roles in the alleged conspiracy. The record indicated that tender conditions were manipulated, objections of certain committee members were ignored, and signatures were obtained in a questionable manner to facilitate placing of bulk orders of medical equipment and reagents in favour of Mokshit Medicare Pvt. Ltd., even where there was no genuine requirement. The supplies were allegedly made to CHCs/PHCs in unnecessary quantities, resulting in a huge financial loss of approximately Rs. 411 crores to the State exchequer.
7. Furthermore, the present matter involves serious economic offences committed in an organized and well-orchestrated manner. Economic offences, by their very nature, are distinct from conventional crimes as they have deep-rooted conspiracies, involve large-scale public funds, and adversely affect the financial health of the State and public confidence in governance. Reliance



was placed upon the principles laid down by the Hon'ble Supreme Court in ***State of Gujarat v. Mohan Lal Jitmalji Porwal***, ***State of Maharashtra v. Balakrishnan Dattatreya Kumbhar***, and ***Nimmagadda Prasad v. CBI***, wherein it has been held that economic offences are grave in nature, committed with deliberate design for personal gain, and require a different and stricter approach while considering bail.

8. Moreover, the settled parameters for grant of bail, namely the possibility of flight risk, tampering with evidence, and influencing witnesses. Given that the alleged conspiracy involved both private entities and State officials, and that further investigation was still ongoing with respect to other accused persons, the Court held that the possibility of the applicants influencing witnesses or interfering with the investigation could not be ruled out. The magnitude of the alleged scam, the seriousness of accusations, the *prima facie* material demonstrating an organized conspiracy, and the larger public interest weighed heavily against the applicant.
9. Therefore, after considering the nature and gravity of the offence, the alleged role of the applicant as masterminds in the conspiracy, the huge financial loss caused to the State, and the potential risk of tampering with evidence and influencing witnesses, the Court held that it was not a fit case to grant bail at this stage and accordingly rejected the applications, further there appears to be



no good ground to entertain the present bail application.

10. Accordingly, the second bail application of the applicant- **Basant Kumar Kaushik**, involved in Crime No. 05/2025 registered at Police Station Economic Offence Wing/Anti-Corruption Bureau, District- Raipur (C.G.) for the offence punishable under Section 120-B and 409 of the IPC, Section 13(1)(A), 13(2) and 7(c) of the Prevention of Corruption Act, is **rejected** at this stage.
11. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
12. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance.
13. After passing of the order, Mr. Krishna Tandon, learned counsel for the applicant appears and submits that his presence may be marked.

Sd/-

(Ramesh Sinha)
CHIEF JUSTICE