2026:CGHC:1822

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8750 of 2025

Reserved on : 05.01.2026

Delivered on : 13.01.2026

- Jaychand Koshale, aged about 34 years, s/o. Shri Ddinesh Chand Koshale, r/o. Plot No. A-53, Avinash Smart City, Sejbahar, Raipur, Chhattisgarh, (curently under Judicial Custody at Central Jail, Raipur (CG).

... Applicant

versus

- State of Chhattisgarh Through Economic Offences Wing (EOW)/& Anti Corruption Bureau (ACB), Head Quarfter, Opposite Jai Jawan Petrol Pump, Telibandha, Raipur, Chhattisgarh 492001.

--- Respondent

For Applicant	:	Mr. Harshwardhan Parganiha, Advocate.
For State	:	Dr. Sourbh Kumar Pande, Dy. Advocate General.

Hon'ble Shri Justice Narendra Kumar Vyas

CAV ORDER

1. This is the first 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 on 21-09-2025 in connection with Crime No. 03/2024 registered at Police Station- Anti Corruption Bureau/ Economic Offence Wing Chhattisgarh, Raipur, District- Raipur

(C.G.) for the offence punishable under Sections 420, 120-B and 384 of IPC and Sections 7, 7-A, 12 of the Prevention of Corruption Act, 1988.

2. The case of the prosecution, in brief, is that on 11.01.2024, one Mr. Sandeep Ahuja, Deputy Director, Directorate of Enforcement, Raipur through Mr. Farhan Qureshi, Deputy Superintendent of Police lodged a complaint before the Director General of Police Anti Corruption Bureau & Economic Offences Wing, Chhattisgarh pertaining to predicate offence discovered during money laundering in investigation File No. ECIR/RPZO/09/2022 was done under Section 66(2) of the Prevention of Money Laundering Act, 2002 (for short "the PMLA"). Thereafter, an offence bearing FIR No. 03/2024 has been registered on 17.01.2024 at Police Station ACB/EOW Raipur (C.G.) against 35 accused persons namely Smt. Saumya Chaurasiya, Sameer Bisnoi, Smt. Ranu Sahu, Sandeep Kumar Nayak, Shivshankar Nag, Suryakant Tiwari, Manish Upadhyay, Roshan Kumar Singh, Nikhil Chandrakar, Rahul Singh, Parekh Kurre, Moinuddin Qureshi, Virendra Jaiswal, Rajnikant Tiwari, Hemant Jaiswal, Joginder Singh, Nawneet Tiwari, Deepesh Taunk, Devendra Dadsena, Rahul Mishra, Ramgopal Agrawal, Devendra Singh Yadav, Shishupal Sori, Rampratap Singh, Vinod Tiwari, Amarjeet Bhagat, Chandradeo Prasad Rai, Brashpat Singh, Idrish Gandhi, Gulab Kamro, Shri U.D. Minj, Sunil Kumar Agrawal, Jai, Chandraparakash Jaiswal, Laxmikant Tiwari & others.

3. Further case of the prosecution is that a syndicate comprised of private individuals and other State Government functionaries like Smt. Saumya Chaurasiya, Director, Geology & Mining Department and with

the backing of some political executives, they managed to make deliberate policy changes. As part of the well-planned conspiracy, the applicant with the active support of the politicians and some of the senior State Government functionaries managed to influence the then Director of Geology & Mining and got issued a Government Order dated 15.07.2020 which became the fountain head of this extortion system by converting the online system of issuance of Transport Permits into a manual system. They started a network of extortion to collect Rs. 25 per ton of coal transported in the State of Chhattisgarh. The investigation conducted by the Enforcement Directorate revealed that other senior bureaucrats viz., Smt. Saumya Chaurasia and Smt. Ranu Sahu, IAS were also involved in this conspiracy and were providing assistance to the applicant in running the extortion racket. Smt. Soumya Chourasiya while working as Deputy Secretary in Chief Minister Office, had assisted the applicant and his associates in collecting the extortion money by posting pliable officers of mining department in the coal mining areas. Smt. Ranu Sahu IAS, who worked as District Collector in coal rich Districts viz., Korba & Raigarh, had close association with the applicant and helped his associates in collecting extortion money from the coal transporters and other businessmen.

4. It is also case of the prosecution that in the coal rich areas of the State like Raigarh, Korba, Surajpur, District Mineral Officers made illegal recovery of Rs.25/- per tonne from coal transporters on the basis of the above manual, DO and permit related orders were issued from the Mineral Directorate. Investigation of the Enforcement Directorate that

information received from sources revealed that illegal levy of approximately Rs.540/- crores have been collected by the above syndicate between July, 2020 and June 2022. On the basis of the report received from the Enforcement Directorate, its confidential verification and source information in relation to above incident was done in the Bureau and Crime No.03/2004 for commission of offence under Sections 420, 120-B, 384 of IPC read with Sections 7, 7A & 12 of the Prevention of Corruption Act, 1988 as amended in 2018 (for short “the PC Act”) was registered against the applicant.

5. From the case diary and the material so collected by the ACB/EOW, the **role** of present applicant is that during investigation, it was found that the present applicant/accused -Jaichand Koshle was posted as Assistant Grade-II (Reader) in Municipal Corporation, Raipur, where he was working directly under accused Mrs. Saumya Chaurasia, the then Additional Commissioner and later in charge of the General Administration Department. From that period onwards he became a person of special trust and confidence for Mrs. Saumya Chaurasia. When Mrs. Saumya Chaurasia was subsequently posted in December 2018 as Deputy Secretary in the Chief Minister's Secretariat, Mantralaya, Atal Nagar, Raipur, the applicant requested that he also be posted in the Secretariat and, at her instance, he was transferred and posted in her personal establishment in the Chief Minister's Secretariat. This sequence clearly shows that treating him as a dependable and loyal subordinate, Mrs. Saumya Chaurasia ensured that the applicant was brought along with her and placed in a position from where he could act as her trusted operative in the illegal coal levy collection

network.

6. On the instructions of Mrs. Saumya Chaurasia, accused Jaichand Koshle was allotted a Government vehicle despite not being eligible for such facility as per rules. The said government vehicle was misused for managing illegal coal levy collections. The accused used this vehicle to receive illegal coal levy collections from the office of accused Suryakant Tiwari and to deliver those amounts to accused Mrs. Saumya Chaurasia. The investigation further revealed that during a search operation conducted by the Income Tax Department on 30th June, 2022, handwritten diaries related to illegal coal levy collection were seized from the residence and office of accused Suryakant Tiwari and his associates. All the entries in the diaries marked with the code "JAI" relates to accused Jaichand Koshle, as confirmed by witnesses in the case. These handwritten diaries provide crucial evidence of the misappropriation of approximately Rs. 7 crore by the accused Jaichand Koshle.

7. The investigation of the case further reveals that accused Suryakant Tiwari used to handover accused Mrs. Saumya Chaurasia's share of the illegal coal levy to accused Jaichand Koshle, who in turn used to deliver the same to accused Mrs. Saumya Chaurasia. Thus, a well-planned three-tier arrangement was in operation, in which accused Suryakant Tiwari functioned as the collector of illegal levy, the present applicant/accused acted as the cash carrier, and accused Mrs. Saumya Chaurasia was the primary beneficiary. Despite having full knowledge that the money he was accepting and transporting represented proceeds of illegal coal levy collection, accused Jaichand

Koshle continued to participate in the said criminal activity regularly delivering the money to accused Mrs. Saumya Chaurasia and also deriving benefit there from.

8. It is further emerged from the seized digital evidence that the applicant was not a mere clerical staff but the principal trusted operative of accused Mrs. Saumya Chaurasia for handling her confidential work. Numerous WhatsApp chats recovered from the mobile phone of co-accused Anil Tuteja contain repeated references to "Jai" in conversations between Mrs. Saumya Chaurasia and Anil Tuteja. In several such chats, Mrs. Saumya Chaurasia specifically records that she is sending sensitive and confidential files and records of the Chief Minister's House/Secretariat to Anil Tuteja "through Jai" / "by Jai". These messages clearly establish that the applicant was regularly used as a personal courier and conduit for transmission of confidential documents and instructions between the Chief Minister's Secretariat and co-accused Anil Tuteja, demonstrating the exceptional degree of trust reposed in him and his active and conscious participation in the illegal network.

9. To substantiate the above facts, the non-applicant/State has filed copies of the statement recorded under Section 161 of the Cr.P.C. of Roshan Kumar Singh and the statement recorded under Section 164 of the Cr.P.C. of Nikhil Chandrakar, which are collectively annexed as Annexure-NA-1.

10. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the crime in question. He would further submit that arrest of the applicant is illegal and malafide

as FIR itself clearly reveals that the main allegations are made against Suryaknt Tiwari, Sourmya Churasiya, Hemant Jaiswal, Sameer Bishnoi and other politically influential persons. He would further submit that the essential ingredients of forgery of documents or valuable security are completely absent in the case of the applicant. The Investigating agency has failed to bring on record any complaint from person alleging that the applicant had intentionally created documents or electronic records for the purpose of cheating. He would further submit that the investigating agency has also failed to complete the chain of evidence to establish that the applicant had ever accepted any gratification as a motive or reward to show favour or disfavour to any person or group. No evidence has been produced to connect the applicant with the alleged offence and his name appears in the final report merely on the basis of presumption, without any direct or indirect material.

11. He would further submit that in order to establish a *prima facie* case, the prosecution agency was required to place cogent evidence showing that someone has been put to wrongful loss solely on account of the acts of the present applicant. However, no such material has been brought on record in the final report and in absence of any *prima facie* evidence against the applicant, no offence under the provisions of Bhartiya Nyay Sanhita or the Prevention of Corruption Act is made out against the applicant. He would further submit that the present FIR No. 03/2024 has been registered at the behest of the ED pursuant to the sharing of information under Section 66(2) of the Prevention of Money Laundering Act, 2002 ("PMLA"). The registration of the present FIR is

nothing but an attempt to keep afloat the otherwise patently illegal investigation being carried out by the Directorate of Enforcement ("ED") in relation to ECIR No. RPZO/09/2022, in the absence of any live predicate offence. The investigation of the ED into the alleged coal levy scam is bereft of any live predicate offence is also a categorical finding recorded by the Hon'ble Supreme Court of India in the order dated 17.05.2024 passed in SLP (Crl.) 5890/2024 (**Sunil Kumar Agrawal v. Directorate of Enforcement as well as Order dated 04.10.2024 passed in SLP (Crl.) 11141/2024, Laxmikant Tiwari v. Directorate of Enforcement).**

12. He would further submit that the present FIR does not attribute any specific role, overtact, or participation by the applicant in the commission of the alleged offence. It contains vague and general allegations against multiple individuals without detailing the involvement of the applicant. After more than a year and 08 months of the investigation, the non-applicant has failed to bring on record any material to substantiate the applicant's alleged involvement in the alleged offence which is a necessary prerequisite for implicating any individual.

13. He would further submit that it is settled law that the statements recorded under Section 161 & 164 of the Cr.P.C. are not admissible in law. He would further submit that the statement of co-accused person is an extremely weak piece of evidence and cannot be treated as substantive evidence as against the other co-accused persons as held by Hon’ble the Supreme Court in case of **Prem Prakash Vs. ED [SLP (Crl.) No. 5416 of 2024, decided on 28.08.2024], Haricharan Kurmi**

Vs. State of Bihar [AIR 1964 SC 1184], Sanjay Jain Vs. ED [2024 SCC OnLine SC 656]. He would further submit that in the present case, there is also no evidence showing any physical manifestation of agreement between the applicant and other co-accused for committing the alleged crime for making out a case of criminal conspiracy under Section 120-B of the IPC. It is well settled that there must be cogent evidence to show that the co-accused are acting as per a common agreement or a common design. A reference in this regard may be made to the decision of the Hon'ble Apex Court in case of **Ram Sharan Chaturvedi v. State of M.P., (2022) 16 SCC 166.**

14. He would further submit that there is no apprehension of violation of the triple test by the applicant, therefore, the applicant is entitled to be released on bail as it is well settled law that mere apprehension of influencing witnesses or tampering with evidence can never be a ground to decline bail to any accused, unless there is cogent supporting material as held by Hon’ble the Supreme Court in case of **P. Chidambaram Vs. CBI [2020 13 SCC 337], Manish Sisodia Vs. ED & CBI [(2024) SCC OnLine SC 1920]**, **Manish Sisodia Vs. CBI & ED [(2023) SCC OnLine SC 1393].** He would further submit that the applicant has not made any attempt to suborn witnesses, tamper with the evidence, or in any manner pollute or obstruct the judicial process. Further, the applicant undertakes that he shall not tamper with the evidence or/and influence witnesses, nor there is any reasonable or justifiable apprehension thereof. He would further submit that the entire evidence relied upon the non-applicant is documentary in nature which already stands seized and placed on record. There are no ocular

witnesses requiring confrontation with the applicant while in custody, thereby negating the need for further custodial interrogation.

15. He would further submit that the co-accused persons namely Ranu Sahu, Suryakant Tiwarii, Sameer Vishnoi and Saumya Chaurasiya have already been granted bail by the Hon'ble Supreme Court vide order dated 29-5-2025 passed in SLP (Cri) No. 15941 of 2024, therefore, the present applicant may also be enlarged on bail on the ground of parity. He would further submit that the applicant is ready and willing to furnish adequate surety and shall abide by all the directions which may be imposed by this Court. He would further submit that now the challan of the case has been presented before the trial Court and no investigation is pending, the accused is in custody since 21-9-2025 and trial of the case will take sufficient time to be concluded, therefore, the benefit of bail should be granted to the present applicant.

16. On the other hand, **Dr. Saurabh Kumar Pande**, Deputy Advocate General for the ACB/EOW opposing the submissions made by learned counsel for the applicant, referring to the FIR and the case diary would submit that the applicant is involved in the economical offence which is not only heinous offence but also against the economy of the nation. The custodial interrogation of the applicant is required as the applicant has not disclosed the source of income from where these properties which have been detailed in the final report and if the accused remained in the custody, the sources of purchased of property can be traced out. He would further submit that the learned Special Judge (Prevention of Corruption Act), Raipur while dismissing the bail

application filed by the applicant has observed that there is involvement of the applicant in the crime in question, which has not been rebutted by the applicant while making this submission before this Court. He would further submit that there is a strong *prima facie* case against the present applicant and the matter is under further investigation with the department and the Police will file the supplementary charge-sheet after collection of fresh evidences against other co-accused persons involved in the crime at a later stage and looking to the conspiracy and crime committed by the applicant in connivance with the other co-accused, the instant bail application deserves to be rejected.

17. He would further submit that the accused has been arrested for the aforesaid crime after strictly following the legal provisions regarding arrest. After the allegations were found *prima facie* substantiated, the challan was presented before the Hon'ble Court and the accused continues to be detained in judicial custody. The investigation in respect of the remaining accused persons in the case is presently in progress.

18. In view of the above, it is clear that the present applicant is actively involved in the aforesaid crime. The investigation in the matter is of a serious nature, as in the present case a huge amount of public money is involved and money-laundering has also taken place from the illegal levy on coal transportation by officials of the State Government in connivance and conspiracy with other accused persons.

19. He would further submit that the applicant has not made out any of the ground in which the instant bail application of the present applicant

under section 483 of the Bhartiya Nagrik Suraksha Sahita, 2023 can be allowed. Thus, looking to the conspiracy and crime committed by the applicant in connivance with the other co-accused, the instant application deserves to be rejected.

20. I have heard learned counsel for the parties and perused the case diary with utmost circumspection.

21. The submission of learned counsel for the applicant that the trial will take longer time for disposal, therefore, the case of the applicant may be considered for grant of bail, is opposed by learned counsel for the respondent/State. He would submit that not only the applicant but the other co-accused have adopted delay tactics by moving various applications causing delay in conclusion of trial, therefore, it cannot be said that only the prosecution is contributed in delay disposal of trial. The submission made by learned counsel for the applicant for releasing the applicant on bail on the count of delayed trial, deserves to be rejected as the applicant has not placed any material on record to demonstrate that the trial has been delayed because of the prosecution only. It is well settled position of law that delay for completion of trial is always not a ground to grant bail and the bail can be granted looking to the gravity and seriousness of the offence. In the present case, there is serious allegation against the applicant, therefore, merely is no ground to consider the prayer of the applicant to release him on bail.

22. The further submission of learned counsel for the applicant that the applicant was arrested illegally as there is no direct evidence against the applicant. This submission cannot be considered at this stage as it is the defence of the accused to declare the arrest as illegal.

It is pertinent to mention here that the applicant has nowhere stated in the bail petition regarding source of income which has been shown in the final report which clearly shows that the ACB/EOW has collected certain material against the applicant. The prosecution has collected the material against the applicant that he has collected money illegally form coal transporters. Thus, from perusal of FIR and the material available in the case diary, involvement of the applicant in commission of offence under Sections 420, 120-B, 384 of IPC read with Sections 7, 7A & 12 of the PC Act, which is economic offence, is *prima facie* reflected. Hon'ble the Supreme Court while considering the gravity of economic offence in case of **P. Chidambaram Vs. Directorate of Enforcement, [(2019) 9 SCC 24]** has held that the economic offence is a serious offence and need to be visited with different approach in the matter of bail.

23. Again Hon'ble the Supreme Court in case of **Ramesh Bhavan Rathod Vs. Vishanbhai Hirabhai Makwana (Koli) & another [(2021) 6 SCC 230]** has held that for declining bail application, the Court should consider whether whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; nature and gravity of the accusation; severity of the punishment in the event of conviction; danger of the accused absconding or fleeing, if released on bail or reasonable apprehension of the witnesses being influenced. From submission made by the parties, it is quite vivid that *prima facie* these conditions are available on record.

24. The further submission of learned counsel for the applicant is that the applicant is entitled to claim parity as other accused persons have been granted bail by Hon'ble the Supreme Court, deserves to be rejected as other accused who remained in the custody for about two years and have been granted bail by Hon'ble the Supreme Court whereas the applicant has been arrested on 21-9-2025. Considering the FIR and other material placed on record, it *prima facie* shows involvement of the applicant in crime in question. As such, I am of the view that it is not a fit case where the applicant should be granted regular bail.

25. Accordingly, the instant bail application filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 is liable to be and is hereby rejected.

26. The observation made by this Court is not bearing any effect on the trial of the case. The learned trial court will decide the criminal trial in accordance with evidence, material placed on record, without being influenced by any of the observations made by this Court while deciding present bail application.

Sd/-

(Narendra Kumar Vyas)
Judge

Raju