



2026:CGHC:23390

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 476 of 2026

Reserved on : 13-05.2026

Delivered on : 19.05.2026

Sh. Anil Tuteja S/o Late HL Tuteja Aged About 63 Years R/o House No. 35/1396, Beside Farishta Nursing Home, Katora Talab, Civil Lines, District Raipur (C.G.) .
--- Applicant.

Versus

State of Chhattisgarh Through ACB (EOW), Raipur **--- Respondent.**

For Applicant	:	Mr. Arshdeep Singh Khurana with Mr. Ankush Borkar, Advocate.
For State	:	Mr. Praveen Das, Additional Advocate General along with Mr. Anant Bajpai, Panel Lawyer

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 anticipatory bail to the applicant who apprehends his arrest in connection with Crime No. 03/2024 registered at Police Station- ACB (EOW) Raipur, District- Raipur (C.G.) for the offence punishable under Sections 420, 120-B of the IPC and Sections 7, 7-A and 12 of the Prevention of Corruption Act, 1988.

2. The case of the prosecution, in brief, is that on 11.01.2024, the complainant 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 made 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. Immediately after registration of the FIR, the Police duly investigated the matter. From the investigation conducted so far, it has been revealed that confidential verification was done in the Bureau Police Station EOW/ACB, Raipur, in relation to the report bearing Letter No. ECIR/RPZO/09/2022/801 dated 11.01.2024 shared by Shri Sandeep

Ahuja, Deputy Director, Enforcement Directorate, Zonal Office, Raipur. During investigation, it was found that Shri Suryakant Tiwari S/o Late Shri Shashibhushan Tiwari used his political domination to influence Chhattisgarh State Government officials viz. Smt. Saumya Chaurasia, the then Deputy Secretary, Chief Minister's Office, Government Chhattisgarh, Shri Sameer Vishnoi, IAS, Mineral Department, Smt. Ranu Sahu, the then Collector, Korba and other associates. A criminal conspiracy was hatched under the protection of political personalities and officials. By working as a syndicate with Shri Sameer Vishnoi, the then Director, Directorate of Mines and Minerals, Government of Chhattisgarh, an order dated 15.07.2020 was passed to issue mineral DO and transport permit through manual method instead of online, the reason assigned being error in the online system. In the coal-rich areas of the State like Raigarh, Korba and Surajpur, District Mineral Officers made illegal recovery of Rs. 25/- per tonne from coal transporters on the basis of the aforesaid order. Investigation by the Enforcement Directorate and information received from sources revealed that illegal levy of approximately Rs. 540 crores was collected by the aforesaid syndicate between July 2020 and June 2022. On the basis of the report received from the Enforcement confidential verification and source information, Crime No. 03/2024 under Sections 420, 120-B and 384 IPC and Sections 7, 7-A and 12 of the Prevention of Corruption Act, 1988 as amended in 2018 came to be registered. Directorate. In the investigation so far, after detailed questioning of the accused and witnesses, prima-facie involvement of Shri Anil Tuteja in the coal levy case is reflected from the following facts.

Role played by the applicant.

4. Based on an anonymous complaint filed by Shri Anil Tuteja in July 2020 regarding errors in the online coal transportation system, pressure was exerted upon co-accused Shri Sameer Vishnoi to issue an order directing arrangement of manual checking along with the online coal transportation system and to have mining officers/employees conduct physical checking. On this basis, the Director, Directorate of Geology and Mining, issued an order on 15.07.2020 making it mandatory for coal traders and transporters to obtain NOC from the District Mineral Office before transporting coal from SECL mines. Through this order, the process of collecting illegal coal levy of Rs. 25/- per tonne was initiated by pressuring coal traders and transporters. By exerting pressure and influence upon officials of the Commercial Tax Department, Shri Anil Tuteja caused GST raids to be conducted on various firms/institutions of coal traders and transporters, thereby forcing them to pay illegal coal levy of Rs. 25/- per tonne. Thus, the illegal coal levy mechanism continued smoothly and without obstruction.
5. It is also the case of the prosecution that the applicant was an administrative officer and was working as Deputy Secretary in the Industry Department Government of Chhattisgarh. He played an active and influential role in various meetings and discussions and, using his position and influence, effectively protected and strengthened the illegal coal levy collection mechanism. Through his influence, he maintained control over the operational process of illegal coal levy collection in coal-rich districts of the State and ensured that the said

illegal mechanism continued without obstruction. Therefore, on the basis of the overall circumstances and available evidence, it is prima-facie clear that the role of Shri Anil Tuteja is evident in the form of active cooperation, coordination and influence in the collection of illegal coal levy of Rs. 25/- per tonne from coal traders and coal transporters, as such he has played direct role in Crime No. 1 of 2024, 02/2024 and 04/2024 registered with the State Economic Offences Investigation Bureau on the basis of which he arrested in those cases and final report was submitted.

6. It is also case of the prosecution that in the present Crime Number the investigation is underway. It is also case of the prosecution that Samir Vishnoi co-accused in his supplementary statement has stated that on the reference by Soumya Chaurasia he contracted with the applicant and whereupon the present applicant clearly told him that if he wants good posting he should work as desired by this Government without considering its merit. Accordingly, Samir Vishnoi was posted as CEO CHiPS and shortly he was posted as Director, Mining. Mr. Samir Vishnoi has further stated that at the instance and instruction of present applicant and Smt. Soumya Chaurasia, he has issued the order relating to manual checking of coal/transport permit. Mr. Samir Vishnoi has further stated that the applicant has explained the draft of the order and the reasons to be mentioned there. He has also stated that the order has been issued even without moving the note sheet as per instruction of present applicant which clearly suggests that the entire illegal levy of Rs. 25/- per tone from transporters was commenced under the involvement of the present applicant. It has been further

contended by Mr. Samir Vishnoi that Whats app chat between him and the applicant would clearly demonstrate intervention of the applicant.

7. Learned counsel for the applicant while referring to the rejoinder and contentions raised in the bail application would submit that the applicant is innocent and has been falsely implicated in the crime in question. He would further submit that FIR, is wholly devoid of any allegation against the Applicant as no role, overt-act, or involvement of the Applicant is disclosed in the said FIR in respect of the offences alleged therein. He would further submit that in reply the State has taken the stand in para 7 that anonymous complaint filed by Shri Anil Tuteja in July 2020 regarding errors in the online coal transportation system, is incorrect. As such, the complaint cannot be used against the present applicant, therefore, the case projected by the prosecution has no legs to stand. He would further submit that there is no complaint placed on record by the prosecution to substantiate their stand. Thus, the prosecution case is totally false and imaginary.
8. He would further submit that the submission made in para 8 of reply filed by the State regarding allegations that the present applicant is influential official and he was responsible for GST raids to be conducted on various firms/institutions of coal traders and transporters, thereby forcing them to pay illegal coal levy of Rs,.25/- per tonne is without foundation laid down by the prosecution and totally imaginary case has been projected by the prosecution against the applicant.
9. He would further submit that the submission made in para 13 of the reply of the State against the present applicant that Sameer Vishnoi was assured that he will be posted as per his choice and if he fulfills

the direction of the present applicant and accordingly he has been posted as Director of Mining and also posted as Chief Executive Officer to show that Sameer Vishnoi was working under the direction and wisdom of the present applicant, is also incorrect submission as it is choice of the Government to place and post the employee according to their own convenience. He would further submit that even if the disclosure statement made by Sameer Vishnoi is taken as its face value, it has no legs to stand as disclosure statement of the co-accused is weak piece of evidence and cannot be taken the shape of reasonable doubt, thus the submission made by the State counsel deserves to be rejected. Thus, the allegations made by the State cannot be taken into consideration. He would further submit that no recovery has been made from the present applicant and the agencies have been acting in the utmost mala-fide manner and has been following a disturbing trend whereby the Applicant is being arrested in one case after the other at a time when he is on verge of getting released in a previously arrested case. The said act has happened twice now, and the agencies are in effect frustrating the bail orders being granted by this Hon'ble Court and the Hon'ble Supreme Court in other cases, rendering them paper-bails.

10. He would further submit that the agencies have been committing ever greening of the Applicant's arrest has become apparent now. Firstly, the arrest of the Applicant in the Rice Scam FIR was consciously timed at point when the Applicant was about to be released in the Chhattisgarh Liquor FIR, the only case where he remained in custody. Secondly, even the arrest in the DMF scam was timed at a point when

the bail application of the Applicant, in the only case he was in custody, was reserved for Orders by this Hon'ble Court. He would further submit that the manner of arrests to evergreen the pre-trial incarceration of persons is directly in violation of principles laid down in **Arvind Kejriwal v. Central Bureau of Investigation CrI. App. No. 3816/2024, Uday Chand v. Sheikh Mohd. Abdullah, Chief Minister J&K, (1983) 2 SCC 417** and **Binay Kumar Singh v. State of Jharkhand W.P. (Cri.) No. 55/2026.**

11. He would further submit that inaction on part of the ACB/EOW, Raipur after registering the Coal Levy FIR in January 2024 and actually investigation being carried out since 2022 reveal their true intention to hold the Coal Levy FIR in reserve to ensure the Applicant's arrest the moment, he secures bail in any existing matter. The agencies are using these cases as an 'insurance arrest' mechanism to perpetuate and evergreen his custody without trial. Applicant has serious anticipation and apprehension that the Coal Levy will now be used as back-up tool in order to evergreen the arrest of the Applicant. 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 is entitled to get anticipatory bail on the ground of parity.
12. He would further submit that it is well settled provisions of law that the statements recorded under Sections 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 (Cri.) 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]**.

13. 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 get anticipatory 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]**.
15. On the other hand, Mr. Praveen Das, learned Additional 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. He would further submit that present applicant played a direct role in Crime Nos. 01/2024, 02/2024 and 04/2024 registered with the State Economic Offences Investigation Bureau, Raipur, on the basis of which he was arrested in those cases and final report was submitted. Since the present case is still under investigation and evidence collection on several points remains pending, investigation is underway.

16. He would further submit that the involvement of the present applicant in several serious economic offence cases is not merely a matter of criminal antecedents, but reflects a continuing pattern of misuse of public policy, administrative influence, departmental machinery and private intermediaries for unlawful financial gain. The material collected in relation to other serious scams, including NAN scam, DMF scam, coal levy scam, liquor scam, manpower-related scam and Mahadev App scam, prima-facie indicates that the applicant was not an occasional or isolated participant, but was allegedly one of the central administrative figures around whom different illegal mechanisms were operated. This aspect is highly relevant for considering the present anticipatory bail application, as it shows the applicant's influence over official channels, his capacity to affect witnesses and records, and the possibility of obstruction in further investigation.
17. He would further submit that supplementary statement of co-accused Shri Sameer Vishnoi, IAS, materially strengthens the prosecution case against the present applicant and prima facie reveals that the present applicant was not a mere peripheral officer, but was exercising deep

and unlawful influence over postings, functioning and decision-making of key officers of the State Government. Shri Sameer Vishnoi has specifically stated that on the reference of Smt. Soumya Chaurasia he contacted and met the present applicant, whereupon the present applicant clearly told him that if he wanted a good posting, he would have to work in the manner desired by the Government without considering whether the act was right or wrong. It has further come in his statement that shortly thereafter he was posted as CEO, CHIPS and later given additional charge of Director, Mining, and during such tenure he continued to act only after consulting the present applicant and Smt. Soumya Chaurasia.

18. He would further submit that the aforesaid supplementary statement is materially corroborated by the seized Whats App chats exchanged between Shri Sameer Vishnoi and the present applicant, which discloses regular contact, meeting coordination, follow-up and intervention in administrative matters. The digital material shows continuous communication regarding meetings, place and time coordination, sharing of contact details of Shri Ramgopal Agrawal and follow-up in CHIPS/project/subsidy related matters, thereby lending electronic corroboration to the statement that the present applicant was actively influencing official functioning from behind the scenes. These chats are significant as they substantiate the prosecution case that the present applicant was not acting as a detached or formal functionary, but was maintaining active and continuing coordination with key officers in matters having administrative and operational consequences. Thus, the role of the present applicant is not based on

vague or bald allegations, but stands supported by a detailed supplementary statement coupled with corresponding electronic material, and therefore no discretionary protection in the nature of anticipatory bail deserves to be granted to him.

19. He would further submit that in view of the above, it is clear that the present applicant is involved in the aforesaid crime. The investigation in the matter is going on and in the present case huge amount of public money is involved. The proceeds generated from the illegal levy on coal transportation were further dealt with and layered by the officials of the State Government in connivance and conspiracy with the other accused persons, thereby also disclosing the money laundering angle. The police, after due further investigation in the matter, shall file appropriate supplementary charge-sheet before the Court having competent jurisdiction.
20. He would further submit that the grounds urged by the applicant is false and frivolous, and the applicant is not entitled to the relief as prayed for. The instant application is liable to be dismissed as the same is devoid of merit and substance. The applicant has not made out any ground on which the instant anticipatory bail application of the present applicant under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 can be allowed. It is further submitted that there is a strong prima facie case against the present applicant/accused and the matter is under further investigation, and the police shall file supplementary charge-sheet after collection of further evidence against other co-accused persons involved in the crime at a later stage. Looking to the conspiracy and crime committed by the applicant in

connivance with the other co-accused, the instant application deserves to be rejected.

21. I have heard learned counsel for the parties and perused the case diary with utmost circumspection.
22. From perusal of FIR and the material available in the case diary, involvement of the applicants in commission of offence under Section 7, 7A & 12 of the PC Act, is *prima facie* reflected. The applicant being Senior Administrative Officer and as per the memorandum statement of Sameer Vishnoi wherein he has stated about the influential position in the administration of the applicant particularly with regard to coal scam by switching from online system to off line system. His further statement wherein he has stated that though the Mining Department was with the Hon'ble Chief Minister but it was control and operated by Smt. Soumya Chaurasia and the applicant, as such he played pivotal role in commission of coal scam, therefore, to confront these memorandum statements of Sameer Vishnoi and other material collected by the prosecution against the applicant, his custodial interrogation is very much necessary, therefore, the application for grant of anticipatory bail deserves to be rejected.
23. Further submission of the learned counsel for the applicant that the coordinate Bench of this Court in MCRC No. 480 of 2026 has granted the anticipatory bail to the applicant, therefore, this bail application is also deserves to be allowed, is being considered by this Court.
24. From bare perusal of the order, particularly paragraph-27 of the order, it is quite vivid that the Coordinate Bench while considering the anticipatory bail has recorded its finding that from perusal of the FIR

the offence alleged in the FIR is stated to have been committed within the territory of the State of Jharkhand and the Police of Jharkhand have already registered crime against the accused persons responsible for excise scam in Jharkhand and the applicant herein has not been arrayed as an accused in the crime registered by the Police of Jharkhand accordingly the Coordinate Bench has allowed the said bail application whereas the facts of the present case is altogether different as the alleged offence has been committed within the territory of State of Chhattisgarh and the prosecution has registered the offence against the accused who are involved in the said offence are residents of Chhattisgarh only and investigation is going on against the applicant. Thus, the submission made by learned counsel for the applicant that the applicant has been granted bail in other scam, therefore, his anticipatory bail should be allowed in the present scam in misconceived and deserves to be rejected and accordingly it is rejected.

25. Also considering the fact that the allegation has also been levied against the applicant for his involvement in various cases like Rice Milling case, DMF case, Liquor scam, NAN scam and Mahadev Betting App scam, which is sufficient ground for rejection of present anticipatory bail as it denotes the criminal antecedents of the applicant.
26. From the above stated factual and legal matrix and also considering that the economical offence is committed with deliberate design with an eye on personal profit regardless to the consequence to the community and also considering that it ruins the economy of the State with cool calculation and deliberate design. The economic offences having deep-

rooted conspiracies and involving huge loss of public funds need to be viewed seriously and 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.

27. 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 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.
28. 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 have been granted bail by Hon'ble the Supreme Court whereas in the present case, the applicant has prayed for grant of anticipatory bail. Considering the FIR and other material placed on record, which, *prima facie*, shows involvement of the applicant in crime in question, I am of the view that it is not a fit case where benefit of Section 482 of BSNN should be extended to the applicant.

29. Accordingly, the instant bail application filed under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 is liable to be and is hereby rejected.
30. 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