



2026:CGHC:20780

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Order reserved on 01.05.2026

Order delivered on 04/05/2026

Order uploaded on 04/05/2026

MCRCA No. 480 of 2026

1. Anil Tuteja S/o Late H.L. Tuteja Aged About 62 Years R/o House No. 35/1396, Beside Farishta Nursing Home Katora Talab, Civil Lines, District- Raipur (C.G.)

... Applicant

versus

1. State of Chhattisgarh Through S.H.O. P.S- Eow/acb, District- Raipur C.G.

... Non-applicant

For Applicant : Mr. Arshdeep Khurana, Mr. Chetan Nagpal, Mr. Ankush Borker and Mr. Shashank Mishra, Advocates

For Non-applicant : Mr. Praveen Das, Additional Advocate General

SB: Hon'ble Mr. Parth Prateem Sahu, Judge

CAV Order

1. This first bail application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is filed on behalf of applicant, who is apprehending his arrest in connection with Crime No.36/2024 registered at State Economic Offences Investigation and Anti-Corruption

Bureau, Raipur for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and Sections 420 and 120B of the Indian Penal Code, 1860.

2. Case of the prosecution, in brief, is that complainant Vikas Singh resident of Aargora, District Ranchi (Jharkhand) lodged a written complaint to the effect that present applicant and co-accused persons named therein formed a syndicate, they conspired a criminal conspiracy to carry out illegal liquor business in State of Jharkhand on the lines of Chhattisgarh excise model and a meeting in this regard with the excise authorities of the State of Jharkhand was held in the city of Raipur in the year 2022. In the said meeting, the excise officers of State of Jharkhand were taken into confidence and thereafter, in execution of such criminal conspiracy, firstly co-accused Arunpati Tripathi, Chairman-cum-Managing Director of Chhattisgarh State Marketing Corporation Limited was appointed as Consultant to draft new excise policy; he prepared draft of excise policy, submitted before the Government of Jharkhand and based on which, new excise guidelines has been notified. Thereafter, in connivance with excise officials of State of Jharkhand, the accused persons got incorporated in the excise

tenders eligibility criteria favourable to the agencies of the syndicate and accordingly, syndicate-linked liquor supply and placement agencies were awarded contracts. Procurement rates for country liquor were got increased and sale of unaccounted country liquor through duplicate holograms in the State of Jharkhand was also done by the syndicate-linked agencies. Thus, applicant and other co-accused persons have played a key role in modifying the terms of the liquor policy in the State of Jharkhand in a manner which would benefit the syndicate-linked members and thereby they have earned huge commission which runs in to crores of rupees. Based on the aforesaid allegations, FIR against the applicant and co-accused persons is lodged under the aforementioned Sections.

3. Learned counsel appearing on behalf of the applicant would submit that applicant is retired IAS Officer and during his service tenure, he held different positions in the State Government of Chhattisgarh. Applicant is innocent and has been falsely implicated in crime in question. He submits that this is a case of clear abuse of criminal process where the applicant is being subjected to what is effectively an “evergreen arrest”. Every time

the applicant becomes entitled to bail, a fresh FIR or proceeding is brought in to ensure that he never actually secures his liberty.

4. He submits that from the allegations levelled in FIR, it is appearing that alleged excise scam is stated to have been committed within the territorial jurisdiction of State of Jharkhand, however, FIR is not lodged by the competent authority or the Government of Jharkhand in whose jurisdiction the alleged excise scam stated to have been committed. Thus, very registration of FIR and continuation of investigation is without jurisdiction and contrary to law.
5. He further submits that allegations in FIR are wholly speculative and based on conjecture and surmises without any material in support thereof. Any decision concerning excise policy etc. within the State of Jharkhand are the matters within the exclusive domain of the competent authorities and the legislative framework of State of Jharkhand. Applicant was ever appointed as a consultant etc. or received any remuneration whatsoever from the Government of Jharkhand in connection with any administrative policy of the State of Jharkhand and therefore, the question of manipulating / altering /

changing the excise policy of the State of Jharkhand favourable to alleged members of syndicate, does not arise at all.

6. He further contended that as per allegations in FIR, applicant was the part of inter-state conspiracy. In cases involving alleged inter-state operations, digital evidence is the primary mode of establishing conspiracy. However, in case at hand, there is not a shred of digital evidence or electronic evidence, such as call records details, messages, emails, chats, financial trails or electronic communication, indicating that applicant has ever met any officer of the State of Jharkhand either in Raipur or Ranchi or communicated with any such officer/authority directly or indirectly. In absence of any financial trail or electronic linkage showing coordination or communication, establishing any meeting of minds, which is sine qua non for the offence of criminal conspiracy, it is difficult to presume the existence of criminal conspiracy.
7. He submits that it is case of the prosecution that in the course of investigation a diary was recovered from possession of one Siddharth Singhanian containing entries regarding illegal liquor sales in Jharkhand. However, it is

not the case of prosecution that in said diary there is mention of name of present applicant or there is any whisper about any role played by applicant in alleged excise scam in State of Jharkhand.

8. He submits that present FIR has been registered in the month of September 2024 and even after lapse of more than 1½ years, the applicant, who is in judicial custody for the last more than two years in connection with some cases, has not been summoned for the purpose of interrogation to unearth the inter-state conspiracy for the reasons best known to the prosecution. This delay is deliberate and with intention to keep the applicant in pretrial incarceration for indefinite period. He reiterates that whenever applicant is on the verge of getting released on bail in a case, another case is registered against him and thereby a series of cases are registered against the applicant one after another with a view to keep him in custody for indefinite period.
9. He submits that as many as five searches by five different agencies of the State of Chhattisgarh were carried out at the premises belonging to the applicant in last five years, but not a single rupee of unaccounted

money/ disproportionate assets has ever been recovered from the applicant.

10. He next submits that a crime against the excise officials of the State of Jharkhand and others in respect of same excise policy, which is subject matter of FIR in question, has been registered by the police of State of Jharkhand under Crime No.9/2025 on the allegation that they hatched up a conspiracy to cause loss to the State exchequer and in execution of such conspiracy, forged the bank guarantees etc. by misusing their official position and thereby caused heavy loss of revenue in Excise Department of the State. However, in said FIR the petitioner has not been arrayed as an accused by the police of State of Jharkhand; even in the course of investigation of aforementioned FIR, neither any search at the premises of the applicant herein nor he has been summoned by the police of State of Jharkhand for the purpose of questioning or interrogation. This apart, some of the persons, who have been arrayed as accused in FIR relating to alleged excise scam registered by police of State of Jharkhand, have already been extended benefit of anticipatory bail or regular bail by the High Court of Jharkhand. Further, this High Court also while

dealing with petition filed by two public servants of the State of Jharkhand bearing CrMP No.2721/2024 and 2740/2024, vide order dated 12.11.2024 had restrained the State agency from taking any coercive action against them till the sanction under Section 17-A of the Prevention of Corruption Act, 1988 is obtained.

11. He submits that instant crime was transferred to the Central Bureau of Investigation(CBI) with a request to conduct investigation, however, the CBI has refused to take up the investigation. This creates a serious doubt about the legality and maintainability of instant FIR at the threshold.

12. Per contra, learned Additional Advocate General appearing for the State would oppose the submissions of learned counsel for applicant and submit that the grounds as canvassed by learned counsel for applicant in support of prayer for grant of anticipatory bail in this bail application i.e. registration of consecutive offences in order to deny benefit of bail in previous crimes; non-summoning of applicant even once in past two years in alleged excise scam of Jharkhand; absence of digital evidence; non-recovery of unaccounted money / disproportionate assets; were previously urged before the

Coordinate Bench of this Court in M.Cr.C. No.2667/2026, arising out of Crime No.2/2024 registered by Economic Offences Wing/Anti Corruption Bureau in connection with DMF scam, and decided on 25.4.2026, and the Coordinate Bench after analyzing and meticulously considering all the materials available, rejected regular bail application of applicant observing that economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of its impact on the society/community.

13.He submits that applicant during his tenure for the period from 2019 to 2022 was actively involved in multiple large scale of financial irregularities namely Rice Milling Scam, DMF Scam, Coal Scam, Liquor Scam, NAN Scam and Mahadeo Betting App case. Applicant is the mastermind of crime and played a key role in hatching the conspiracy. He entered into a criminal conspiracy to execute a excise scam in the State of Jharkhand, akin to the one allegedly operated in the State of Chhattisgarh, with the object of securing illegal wealth. Applicant, in connivance with other associates of the syndicate, secured wrongful gain for themselves while causing corresponding wrongful loss to the State exchequer of Jharkhand, thereby depriving it

of legitimate revenue. In the course of investigation, a diary was recovered. The contents of the said diary, on a prima facie examination, indicate an attempt to replicate a syndicate model, similar to that allegedly operated in the State of Chhattisgarh, within the State of Jharkhand.

14. He next contended that instant FIR was registered on 7.9.2024 naming all eight accused persons including present applicant. Present applicant is the main person and mastermind behind the systematically orchestrated excise scam of Rs.250 Crore, defrauding the Government's huge revenue. Applicant along with co-accused persons had convened meeting with the excise officials of the State of Jharkhand and hatched up the criminal conspiracy in Raipur to carry out illegal liquor sales in Jharkhand with support of police/excise. Therefore, submission of learned counsel for applicant that non-applicant lacks jurisdiction is not tenable because significant part of the conspiracy originated within the territory of the State of Chhattisgarh.

15. In reply to submission of learned counsel for applicant that there has been no seizure of any incriminating material, learned Additional Advocate General submits that absence of direct recovery is not determinative at

this stage, as conspiracy by its very nature operates through division of roles. In cases of conspiracy, particularly those unfold in phases, do not disclose themselves through a single piece of evidence: they are built through a chain of circumstances, organizational decisions, communications, and role allocation. The law does not demand that every conspirator execute the terminal act; it demands a prima facie nexus between the accused and the unlawful design, inferred from cumulative conduct. In the present case the prosecution material, when taken cumulatively and at a face value, discloses reasonable grounds for believing that accusations against present applicant are prima facie true.

16. Learned Additional Advocate General submits that the applicant is not entitled for benefit of anticipatory bail on the ground of parity as bail granted to him in connection with principal offence i.e. Chhattisgarh excise scam, is solely on the ground of prolonged incarceration without touching the merits of the case. As regards the grant of bail to co-accused persons against whom crime is registered in State of Jharkhand.

17. Learned Additional Advocate General lastly submits that applicant is involved in different financial scams committed during his service tenure. Investigation by the State agencies revealed the existence of a strong criminal syndicate operating with the singular objective of generating illicit wealth through organized criminal activities-specifically illegal rice milling, liquor trade including present case. Therefore, grant of anticipatory bail to applicant at this stage would seriously prejudice ongoing investigation of economic offence which involves an organized inter-state conspiracy, manipulation of government policies, causing wrongful gain to selected private entities and wrongful loss to the public exchequer. Considering the applicant's status, past association with key accused persons and the nature of evidence yet to be collected, there is a reasonable apprehension of influencing witnesses, tampering documentary and digital evidence and obstructing investigation. Therefore, the applicant does not deserve the discretionary relief of anticipatory bail.

18. Heard learned counsel for respective parties and perused the documents available in record of bail application.

19. Along with this anticipatory bail application, applicant has filed copy of FIR bearing No.0036/2024 dated 7.9.2024 wherein the complainant has made allegations that applicant along with other co-accused persons, by illegally changing the excise policy of the State of Jharkhand, had extended undue advantage and benefits to the syndicate in tender process of country and foreign liquor of the State of Jharkhand and thereby they have committed forgery and caused loss of crores of rupees to the State ex-chequer of Jharkhand. FIR further reveals the allegation that applicant along with co-accused persons had procured commission from the owners of the liquor companies by disclosing the purchase rate of country liquor. From the allegations leveled by the complainant in FIR, it is clear that implementation of excise policy and thereafter incorporation of conditions tender process, relate to State of Jharkhand.

20. During course of arguments, learned Additional Advocate General has made submission that case is registered in the State of Chhattisgarh only because the conspiracy has been hatched by accused persons including present applicant in the State of Chhattisgarh.

21.As submitted by learned counsel for applicant and not opposed by learned Additional Advocate General for the State, that for the alleged commission of offence by accused persons, police of State of Jharkhand has also registered a separate crime. It is submission of learned counsel for applicant that in said crime, applicant has not been implicated as an accused nor he has been summoned by the Police of State of Jharkhand even for the purpose of interrogation. It is also submission of learned counsel for applicant that some of the accused persons of crime registered by police of Jharkhand have already been released either on anticipatory bail or regular bail.

22.It is not in dispute that applicant is a retired IAS officer of the State of Chhattisgarh, multiple crimes are registered against him and according to submission of learned counsel for applicant, he has been enlarged on bail by Hon'ble Supreme Court and this High Court in all the cases registered against him except in respect of ECIR bearing No.ECIR/RPZO/02/2023/802 dated 11.01.2024.

23.Arrest of applicant herein and his custody for the last two years is also not disputed by learned State Counsel. Instant application seeking anticipatory bail is filed in

respect of crime bearing No.36/2024 registered by State Economic Offences Investigation/Anti Corruption Bureau, Raipur on 7.9.2024. The investigating agency has not made any attempt to submit appropriate application seeking permission of the competent Court to interrogate the applicant or for his arrest on production following due process of law. During the course of arguments, when a question is posed to learned Additional Advocate General representing the State, as to why applicant herein has not been arrested in connection with instant crime or as to why he has not been interrogated following due process of law or there is any hurdle or bar under the law to take recourse to for such process, he submits that there is no bar under the law for submitting an application seeking permission of the Court to interrogate the applicant herein in the instant crime or showing his arrest in the crime, subject matter of application under consideration following due process of law.

24. According to learned counsel for applicant, this application for grant of anticipatory bail is filed at this stage on one of the grounds that investigating agency for the last more than 1½ years has not made any attempt to interrogate the applicant in the course of investigation of

instant crime only for the reason that if applicant's application for grant of anticipatory bail in Crime No.ECIR/RPZO/02/2023/802 dated 11.01.2024 is allowed, which is pending consideration before Hon'ble Supreme Court, then he may be arrested in connection with crime in question in order to deprive him to enjoy the fruits of the order of bail, if granted, and to keep him languishing behind the bars continuously.

25.Submission of learned counsel for applicant that five searches by five different agencies of the State of Chhattisgarh were carried out at the premises belonging to the applicant in last five years but not a single rupee of unaccounted / disproportionate assets has ever been recovered from the applicant, is not disputed by learned Additional Advocate General for the State in very specific terms.

26.True it is that in cases of alleged economic offences, anticipatory bail can be granted in exceptional and rare cases with a purpose that it may affect the due investigation of crime and collecting material facts by investigating agency. In case of **YS. Jagan Mohan Reddy vs Central Bureau of Investigation**, reported in **(2013) 7 SCC 439** Hon'ble Supreme Court though

rejected the prayer for grant of anticipatory bail to applicant therein on the facts of that case, but observed in the body of said judgment as under:-

“35.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.”

27.In case at hand, nature of accusation against the applicant is apparent from the contents of FIR; the offence alleged is stated to have been committed within the territory of State of Jharkhand; the police of Jharkhand has already registered crime against the accused persons responsible for excise scam in Jharkhand and applicant herein has not been arrayed as an accused in the crime registered by police of Jharkhand.

28.Considering the above facts and circumstances, I am inclined to extend benefit of anticipatory bail to applicant herein. Accordingly, this anticipatory bail application is

allowed and it is directed that in the event of arrest of applicant –Anil Tuteja in connection with Crime No.36/2024 dated 07.09.2024 registered at State Economic Offences Investigation and Anti Corruption Bureau, Raipur, for the offence under Section 7 of the Prevention of Corruption Act and Sections 420 and 120B of the IPC, he shall be released on anticipatory bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties in the like sum to the satisfaction of the Arresting Officer concerned. Applicant shall also abide by following conditions that: -

- (i) he shall make himself available for interrogation before Investigating Officer as and when required;
- (ii) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him / her from disclosing such facts to the Court or to any police officer;
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of trial.
- (v) he shall not involve himself in any offence of similar nature in future.
- (vi) If the applicant fails to cooperate in the investigation, the investigating agency will be at liberty to file appropriate application seeking cancellation of bail.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-