2026:CGHC:22095

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2956 of 2026

Shashank Chopda S/o Shri Shantilal Chopda Aged About 32 Years R/o Shop No. 35, Chopda Compound, Azad Ward Ganjpara, Durg District Durg Chhattisgarh

... Applicant(s)

versus

Directorate of Enforcement Through Assistant Director (Ed), Raipur Zonal Office, Raipur, District Raipur Chhattisgarh.

... Respondent(s)

For Applicant(s)	:	Mr. Mayank Kumar, Mr. Kumar Vaibhav and Mr. Puranjay Bhatt, Advocates.
For Respondent(s)	:	Mr. Rajvansh Singh and Mr. B. Gopa Kumar, Advocates.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

11/05/2026

1. The applicant has preferred this **First Bail Application** under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (*for short, the BNSS*) for grant of regular bail, as he has been arrested in connection with Crime No. ECIR/RPZO/07/2025, dated 18.02.2025 registered by the Directorate of Enforcement, Raipur, District Raipur, for the offences under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002.

2. The case of the prosecution, in brief, is that on 22.01.2025, FIR bearing Crime No. 05/2025 {Predicate FIR/case} was registered at ACB/EOW

Raipur for offences under sections 120B read with Section 409 of the Indian Penal Code (*for short, the IPC*) and Sections 13(1)(A), 13(2) and 7(c) of the Prevention of Corruption Act, 1988 {for short, the Act of 1988} against Officers of Chhattisgarh Medical Services Corporation Limited Raipur (*for short, the CGMSCL*) and Officers of Health Department; Mokshit Corporation, Ganj Para Durg; CB Corporation, GE Road, Durg; Records & Medicare System HSIIDC, Panchkula Haryana; Shri Sharda Industries, Village Tarra, Tehsil Dharsiva Raipur and others. The said FIR was registered on the basis of a purported secret information received at the Police Station. The said FIR related to the alleged criminal conspiracy in relation to Tender No.182/EQP/CGMSC/2022-23 floated on 26.08.2022 by CGMSCL having been awarded to M/s Mokshit Corporation. The Applicant was arrested on 28.01.2025 in the predicate FIR and has been in custody in the predicate offence since then.

3. In relation to the scheduled offences in the aforesaid FIR, on 18.02.2025, ECIR/RPZO/07/2025 was recorded by the Directorate of Enforcement for investigation under PMLA. On 25.04.2025, charge-sheet under section 13 (1) A read with section 13(2), 7 (C) of Prevention of Corruption Act, 1988 and Sections 409, 120B IPC was filed in relation to the aforesaid FIR against six accused persons therein including the applicant. The investigation has concluded qua the applicant in the predicate offence but is pending qua other accused persons is still ongoing. During the course of its investigation in relation to the aforesaid ECIR, on 30/31.07.2025, the respondent ED carried out search and seizure operations under Section 17 PMLA at the residential premises of the applicant and his family members and at premises of certain business entities companies associated with the applicant. In relation to the aforesaid search dated 30/31.07.2025, on 05.08.2025, the respondent-

ED issued a press release *inter alia* stating that during such search operations, several incriminating materials were recovered and seized. Despite the aforesaid claim of recovery of incriminating material, ED chose not to arrest the Applicant. On 28.08.2025, another search was carried out by ED at office premises of Applicant's partnership firm M/s Mokshit Corporation wherein ED seized certain movable property in relation to the aforesaid ECIR. In relation to the aforesaid search dated 28.08.2025, on 05.09.2025, ED issued a press release inter alia stating that the said search was continuation of the previous search dated 30-31.07.2025 and during such search operations, several incriminating materials were recovered and seized. Yet again, despite the aforesaid claim of recovery of incriminating material, ED chose not to arrest the applicant. On 08.09.2025, the Hon'ble Supreme Court dismissed SLP (Crl) No. 9284/2025 whereby petition assailing the rejection of first bail application before this Hon'ble Court of the applicant in the predicate FIR was dismissed. On 11.10.2025, the Applicant filed an application seeking anticipatory bail in the aforesaid ECIR before the learned Special Judge. On 17.10.2025, ED preferred an application before the learned Special Judge seeking permission to interrogate the applicant in relation to aforesaid ECIR from 22.10.2025 to 24.10.2025. Vide order dated 17.10.2025, the learned Special Judge permitted ED to interrogate the applicant from 22.10.2025 to 24.10.2025 and to record his statement within the jail premises. On 29.10.2025, ED filed its reply to the applicant's aforesaid anticipatory bail application. On 20.11.2025, the learned Special Judge was pleased to dismiss the aforesaid anticipatory bail application filed by the applicant. An application under Section 11(5) and 11(6) of Arbitration and Conciliation Act, 1996 read with paragraph 2 and 3(2) of the Scheme for appointment of Arbitrator by the Hon'ble Chief

Justice of Chhattisgarh High Court 2002 for appointment of Arbitral Tribunal has been filed on behalf of Mokshit Corporation against CGMSCL before this Hon'ble Court in relation to the disputes arising out of Tender No. 182, *inter alia*, of outstanding dues. After hearing both parties, vide Order dated 25.11.2025, this Hon'ble Court directed the Respondent/CGMSCL to file reply and the matter is pending before this Hon'ble Court. On 22.12.2025, ED again preferred an application before the learned Special Judge seeking permission to interrogate the applicant in relation to aforesaid ECIR on 23.12.2025 and 24.12.2025. Vide order dated 22.12.2025 passed by the learned Special Court permission was granted to the ED to interrogate the applicant on 23.12.2025 and 24.12.2025. Once again upon an application filed by the ED, vide order dated 12.01.2026, the learned Special Court granted permission for Applicant's interrogation from 13.01.2026 to 16.01.2026. The ED interrogated the applicant on 13.01.2026, and suddenly, on 14.01.2026, without prior permission/intimation to the learned Special Judge in the predicate FIR, in a completely belated and arbitrary manner, arrested the applicant under section 19 PMLA in ECIR/RPZO/07/2025. The ED appears to have sought summoning of the applicant under Section 302 BNSS/267 CrPC through an application preferred and allowed vide Order dated 14.01.2026 passed by the learned Special Judge (PMLA). The applicant was sent to police custody till 23.01.2026.

4. Learned counsel appearing for the applicant submits that even in the present case, akin to other cases in the State of Chhattisgarh, the ED and EOW have worked in tandem with one another to ensure applicant's prolonged custody by ever greening his arrest, arresting him in the PMLA case after one year of investigation on the basis of the same material available to the ACB. On 23.01.2026, ED did not seek his further ED custody and sought his judicial custody which was granted by learned Special Judge and the same has been extended from time to time. It is submitted by learned counsel for the applicant that the applicant had preferred his second bail application in the predicate FIR bearing M.Cr.C No. 1433/2026, titled, *Shashank Chopda v. State of Chattisgarh* before this Hon'ble Court on 04.02.2026 seeking grant of regular bail in FIR No. 5/2025, registered at PS ACB/EOW. The said petition was listed for the first time on 10.02.2026 before this Hon'ble Court and dismissed on the very first day vide order dated 10.02.2026. The applicant challenged the said order before the Hon'ble Supreme Court in SLP (Crl) No. 3295/2026 titled, *Shashank Chopda v. State of Chattisgarh*. Vide Order dated 23.02.2026, the Hon'ble Supreme Court was pleased to issue notice in SLP (Crl) No. 3295/2026. Furthermore, vide order dated 23.02.2026, the Hon'ble Supreme Court was pleased to grant permission for withdrawal of WP(Crl) 85/2026, titled, *Shashank Chopda v. Directorate of Enforcement & Anr.,* which sought, inter alia, declaration of arrest of the applicant in ECIR/RPZO/07/2025 as illegal and non-est. The applicant filed his first bail application seeking regular bail in ECIR/RPZO/07/2025 before the learned Special Judge which stood dismissed vide order dated 13.03.2026. On 13.03.2026, investigation against the applicant stood concluded in ECIR/RPZO/07/2025 as the ED filed its Prosecution Complaint before the learned Special Judge (PMLA).

5. It is submitted by learned counsel for the applicant that there has been belated, unnecessary and successive arrest in ECIR/RPZO/07/2025. The applicant has been in jail since 28.01.2025 at the instance of the ACB in FIR No. 05/2025, PS ACB/EOW Raipur and now since 14.01.2026 in the instant ECIR/RPZO/07/2025 which has been recorded on the basis of aforesaid FIR No. 05/2025 PS ACB/EOW Raipur. The applicant was arrested by the ED on 14.01.2026 i.e. 11 months after commencement of its investigation into the instant ECIR. Clearly, the ED has strategically arrested the applicant in a manner to ensure his prolonged custody. The Applicant is a victim of a deliberate and systematic practice in the State of Chhattisgarh, whereby investigating agencies, particularly the ACB/EOW, Raipur and the Directorate of Enforcement, act in a coordinated manner to effect unnecessary, belated, and wholly unwarranted arrests. This calculated strategy is employed solely to circumvent judicial safeguards and to artificially prolong the applicant's incarceration, despite no necessity for continued custodial detention. In fact, arrests by ED/ACB/EOW are being made on stale material and without conducting any effective investigation when the accused is in custody in one matter. It is only when the accused person reaches the threshold of 8-12 months of custody in one matter that the other agency steps in to arrest on virtually the same templated grounds which is evident from the following sequence of events:

> "i. Applicant was arrested on 28.01.2025 in relation to the aforesaid FIR dated 22.01.2025.
>
> ii. After 26 days of registration of the aforesaid, the instant ECIR was registered by ED on 18.02.2025 on the basis of aforesaid FIR.
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> iii. From February 2025 till 30.07.2025, the Applicant was not interrogated by the ED even once.
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> iv. Thereafter, ED carried out its searches under section 17 PMLA at premises belonging to the Applicant or associated individuals/entities on two occasions i.e. 30/31.07.2025 and 28.08.2025. In relation to the aforesaid two searches, corresponding press releases were issued by ED on 05.08.2025

and 05.09.2025 respectively. However, despite such claims on both the occasions, ED chose not to arrest the Applicant.

v. Despite having purported incriminating material against the applicant in its possession by July and August 2025, collected not only from the search operations but also in order to initiate such operation, the ED did not arrest the Applicant. Clearly, ED in July or September 2025 did not deem it fit or necessary to arrest the Applicant in the instant ECIR and continued its investigation without any obstruction.

vi. Thereafter, the applicant filed his anticipatory bail application on 11.10.2025. The nefarious design of ED is evident from the fact that it is only after filing of anticipatory bail application by the Applicant, ED filed its first application before Ld. Special Judge (PC Act) seeking permission to interrogate him in the instant ECIR. No attempt whatsoever was made to interrogate the Applicant prior to this application.

vii. Even after getting the permission to interrogate the Applicant for 3 days (22.10.2025 to 24.10.2025) from learned Special Judge (PC Act), he was interrogated only on two days i.e. 22.10.2025 & 23.10.2025.

viii. Even after dismissal of applicant's anticipatory bail on 20.11.2025, ED chose not to arrest the applicant.

ix. Thereafter, vide Order dated 22.12.2025, ED was again permitted to interrogate the Applicant for two days i.e., on 23.12.2025 & 24.12.2025. Interestingly, ED chose not to utilize the aforesaid permission at all and did not interrogate the applicant.

X. Further the ED once again was granted permission, vide Order dated 12.01.2026 passed by the Ld. Special Court (PC Act) to interrogate the Applicant from 13.01.2026 to 16.01.2026. However, after questioning him on 13.01.2026, the ED preferred an Application before the Ld. Special Judge (PMLA) seeking production of the Applicant which was allowed vide Order dated 14.01.2026.

xi. However, closer to nearing 1 year of incarceration of Applicant in the predicate offence FIR and realizing that on the basis of his prolonged custody, the applicant will likely be granted bail, ED illegally arrested the Applicant on 14.01.2026."

6. It is submitted by learned counsel for the applicant that the respondent ED deliberately chose not to arrest the applicant for almost 11 months after registration of ECIR. The following conduct of ED/events clearly reveals that arrest of the applicant was not necessitated -

"i. Non-arrest of Applicant immediately after registration of ECIR.

ii. Non-arrest of Applicant after two searches by ED at Applicant/associated individuals/entities premises despite recovery of alleged incriminating material. It is pertinent to note that at this stage five months had lapsed from the date of registration of ECIR.

iii. Non-utilization of permission granted to ED to interrogate the Applicant on two occasions shows that firstly, there was nothing left to interrogate and secondly, there was no need to arrest the Applicant. It is pertinent to note that at this stage more than 10 months had lapsed from the date of registration of ECIR.

iv. As can be seen from above, there was no need for custody of the Applicant and he has been apprehended solely to prolong his incarceration.

7. According to learned counsel for the applicant, such conduct constitutes gross abuse of process of law and results in a continuing violation of the Applicant's fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution of India. The repeated deprivation of liberty through staggered arrests is arbitrary and antithetical to the principles of fair procedure and substantive due process. The reasons to believe and grounds toa rrest the aplicant are completely bogus and without merit. Further, no case of money laundering is made out in this case. Admittedly, for the offence of money laundering, the ED has limited the scope of its investigation to Tender No. 182 for which a total supply of Rs. 467.22 Crores (including GST) was made by Mokshit Corporation. The ED has admitted in its investigation that a total amount pending for release to M/s Mokshit Corporation by CGMSCL against supply made under rate contract in Tender 182 is Rs.258.19 Crores (including GST) and only a total amount of Rs. 208.98 Cr was released by CGMSCL in favour of M/s Mokshit Corporation in Tender 182. The ED has identified the alleged Proceeds of Crime (*for short, the PoC*) to be Rs.135.02 Crores (excluding GST) by somehow calculating the profit/excess payment received by M/s Mokshit Corporation out of the payments released in its favour of Rs. 208.98 Crores. The said calculation of 'profit/excess' is prima facie incorrect as the ED has failed to consider that even if, as per their case, the profit made by M/s Mokshit Corporation was Rs. 135 Crores, the firm has still incurred a huge loss as it has not been paid Rs. 258.19 Crores by the CGMSCL which is admittedly due to them. The ED has conveniently chosen to disregard the factum of overall loss having been incurred by Mokshit Corporation in Tender No. 182 and has somehow only considered those equipments for the purposes of purported calculation of alleged proceeds of crime, as though the pending payments on goods and services were not purchased by Mokshit Corporation in the first place. In fact, the ED has erroneously assumed that pending payments which have not been made in more than 2 years by CGMSCL will be made in future. The entire case of the ED is based on future predictions and is entirely presumptuous. The ED's entire case is based on an erroneous formula whereby the purported purchase price of the medical equipment from its manufacturer along with its reagents seems to have been deducted from the amount received for such material by Mokshit Corporation from CGSMSCL as the "profit/excess payment" received by Mokshit Corporation. The ED has failed to apply its mind to the facts and has completely and maliciously overlooked deduction of other expenses such as taxes paid, especially income tax and GST, and other operational expenses for the 1000 facilities to which equipment along with its reagents were supplied. Mokshit Corporation paid GST of around Rs. 76 Crores and income tax of around Rs. 65 Crores for the year 2023-2024. Further, Mokshit Infrastructure had paid a total income tax of about Rs. 23 Crores. Prima facie the ED appears to have removed the GST component from the quantification of PoC, however, the ED failed to even consider payment of income tax to the tune of Rs. 65 Crores by Mokshit Corporation and deduction of the same from its purported calculation. Even the attachments made under Section 5 of PMLA are mostly in the nature of 'value thereof and therefore, clearly the ED has not been able to trace the alleged proceeds of crime which it has resorted to quantifying in a presumptuous and *ex facie* incorrect manner. The ED has attached properties to the tune of Rs. 60 Crores in the nature of value thereof which were purchased much prior to the Tender 182. Further, properties of about Rs. 20 Crores belonging to the Applicant, Mokshit Corporation and associate entities have been attached in the nature of direct PoC solely on the ground of their acquisition having been made after 24.05.2023. However, ED has failed to examine, let alone disclose, that the transfers from May and June 2023 alleged to be received by Mokshit from CGMSCL are in fact not in relation to Tender 182. Therefore, the purported money trails are incorrect and do not demonstrate either generation or utilisation or flow of purported proceeds of crime.

8. It is further submitted by the learned counsel for the applicant that the subject FIR is a counter blast to the applicant's demand for payment of outstanding balance, there was an outstanding amount payable to the tune of Rs.338 Crores against the supplies made by M/s Mokshit Corporation. There were several communications sent on 06.05.2024, 24.06.2024, 20.08.2024, 21.08.2024 & 12.12.2024, 21.01.2025 by Mokshit demanding payment of such an amount. Mokshit Corporation has in fact not been paid the said amount till date. It is submitted that the State exchequer being deft of funds, as a counterblast and an afterthought is trying to falsely implicate the applicant in the present matter. The allegation of conspiracy is demolished by the fact that Mokshit wrote to CGMSCL on 09.10.2023 objecting to continuous issuance of purchase orders in bulk despite stocked reagents having not been supplied to the warehouses. In fact, Mokshit itself paid a penalty of about Rs. 2 Crores which was 20% of the total amount of purchase order due to delay in supply of reagents, and in fact such purchase order was terminated despite delivery. It is surprising that the policy/decision maker/MD at CGMSCL have not been arraigned as an accused in the predicate case or questioned as suspect, as per the knowledge of the Applicant. This clearly demonstrates the pick and choose method of prosecution and that the Applicant has been selected as a scapegoat and prosecuted maliciously. Further, there is a long history of medical illness of the Applicant pertaining to the pain in nerves and spinal cord. The condition of the Applicant has only worsened during his custody because of lack of proper care by the Jail authorities. During his custody in the predicate offence, in compliance with Order dated 14.07.2025 passed by the learned Special Judge, the jail authorities took the Applicant to the DKS hospital on 16.07.2025 afternoon and after seeing the condition of the Applicant he was straight away admitted in the Neurology Department by the Doctor for the next 3 days. The Applicant went through different tests at the DKS Super Speciality Hospital and Medical College Hospital, Raipur, and was referred to different departments such as Neurology, Dermatology, General Surgery and Psychiatry. The doctor has recommended regular physiotherapy for the Applicant to overcome pain and numbness in his body. The doctor in the DKS hospital also recommended having a rich diet present in home cooked food including green leafy vegetables such as carrot, cucumber etc and other fruits rich in vitamins A and C. The applicant is also asked to visit the doctor in the Surgery Department every Tuesday and Friday for routine checkup. The applicant is not being given the prescribed treatment by jail authorities and is not being taken for physiotherapy at all or being given proper diet which is necessary for his deteriorating health. The applicant is only 35 year old and absence of treatment especially in light of feeling of numbness in his body may lead to irreversible damage. The prolonged investigation by the ED cannot be the reason for continued custody. Lastly, the applicant satisfies the principles governing grant of bail as he has no criminal antecedents apart from the instant case and the predicate FIR. He is a 35 year old person having business in Chhattisgarh and also a permanent resident of Chhattisgarh having two minor children aged 6 years and 10 years. There is no flight risk at all.

9. On the other hand, learned counsel appearing for the respondent/ED opposes the application for grant of bail and submit that the investigation conducted and material gathered in the subject matter has revealed that the applicant, by way of corrupt means had influenced officials of Department of Health Services as well as CGMSCL and fraudulently got inflated rate contract for supply of medical equipment and Reagent in the name of his firm viz. M/s Mokshit Corporation. The entire tender process was rigged in favour of the applicant. Specification of required equipment was tailor made to favour the firm of Shashank Chopda and to keep other genuine bidders/competitors at bay. The officials of DHS and CGMSCL, acting under influence of the applicant, issued excessive purchase order to his firm without ensuring the availability of requisite budgetary provisions as well as the required infrastructure at Health Centres to store the re-agents. Acting on the purchase order received from CGMSCL, the applicant through his firm M/s. Mokshit Corporation supplied themedical equipment and reagents at exorbitant rate causing wrongful gain to himself and corresponding loss to exchequer. On the strength of the above-mentioned rate contract executed in the favour of M/s. Mokshit Corporation, the following orders were issued by the CGMSC for purchased of Reagent/medical equipment for the Hamar Lab to be set up at Health Centres:

a) Purchase Order of Rs. 432.03 crores issued in favour of Mokshit

Corporation for purchase of Re-agent.

b) Purchase Order of Rs. 27.07 crores issued in favour of Mokshit Corporation for purchase of Medical Equipment.

c) Purchase Order of Rs. 17.06 crores issued in favour of Mokshit Corporation for purchase of Medical Equipment.

d) Purchase Order of Rs. 38.33 crores issued in favour of Mokshit Corporation for purchase of CBC (Complete Blood Count) machines.

10. It is further submitted that the investigation under PMLA has revealed that the applicant got the rate contract from the CGMSCL for supply of re-agent and medical equipment's in the name of his partnership firm viz. M/s. Mokshit Corporation, by way of commission of scheduled offences. In furtherance of the offence, the applicant induced the officials of DHS and CGMSCL to issue excessive purchase orders in favour of M/s. Mokshit Corporation, for supply of re-agent and medical equipment's at exorbitant price. Therefore, payments received by M/s. Mokshit Corporation from CGMSCL for reagents and equipment in excess to their fair market value is nothing but the proceeds of crime. It is revealed during investigation under the provisions of PMLA, 2002, that even though the applicant got various contracts from the CGMSCL in the name of M/s. Mokshit Corporation for supply of medical equipment/re-agents but he had acquired some of these items from the suppliers through his other firms/companies, incorporated in his name as well as in the name of his family members viz. Mokshit Infrastructure and Development; Mokshit Medicare Pvt. Ltd. etc. After acquiring the medical equipment/re-agents from the suppliers, it was provided to M/s. Mokshit Corporation for further supply of the same to the CGMSCL. It appears from the documents that the intermediatory in the transactions were created to artificially increase cost of the product in the hand of firm M/s Mokshit Corporation and thereby, divert the proceeds of crime acquired from the CGMSCL. To unearth PoC and other evidences related to offence of money laundering, after due process, searches were conducted at 18 premises related to the applicant to trace the proceeds of crime acquired by applicant and his firms. During the searches, it was learnt that the huge amount of proceeds of crime was invested in stock market in the name of the applicant and his wife. Thereafter Freezing Orders were issued and equities as well as the fixed deposits to the tune of Rs. 38.76 (approx.) were frozen. Apart from that, four high end vehicles purchased by the applicant in the name of his firm M/s Mokshit Corporation were also seized during the investigation. Under the rate contract executed in Tender no. 182, for the procurement of medical equipment and re-agents, Purchase Order to the tune of Rs. 467.22 Crores was issued in favour of the applicant's firm M/s. Mokshit Corporation. Further detailed product-information was collected from the CGMSCL with regard to the medical equipment and re-agents procured from the applicant's firm M/s Mokshit Corporation. Further the rate at which these items were procured by M/s Mokshit Corporation from the original suppliers were also procured to quantify the excess payment received by Shashank Chopda in comparison to fair market value of supplied medical equipment and reagents. Upon comparison of rate of supply by Mokshit Corporation to CGMSCL with selling price of original suppliers, it was discovered that till date Rs. 135.02 crore was received by M/s. Mokshit Corporation in excess to fair market value of medical items supplied by the applicant, which is PoC for the purpose of instant investigation under PMLA. The quantum of PoC is likely to increase upon advancement of investigation.

11. With respect to the role of the applicant, the evidence gathered during the investigation revealed that the applicant had influenced the public servants of the Directorate of Health Services and Chhattisgarh Medical Services Corporation Limited by paying illegal gratification. In furtherance of this criminal conspiracy, and in collusion with certain public servants and private individuals, the applicant secured the rate contract under Tender No. 182, in the name of his firm viz M/s. Mokshit Corporation, for the supply of medical equipment, reagents, and consumables to the CGMSCL at exorbitantly inflated rates. A part of the cash generated through the said means was used by the applicant in purchasing immovable property in the name of his firm. ECIR/RPZO/07/2025 dated 18.02.2025 was recorded based on the FIR No. 05/2025 dated 22.01.2025 registered by the EOW/ACB, Raipur. Subsequently, a charge-sheet dated 25.04.2025 was also filled by EOW/ACB, Raipur in the above-mentioned FIR against the applicant, partner of M/s. Mokshit Corporation and five other office bearers of DHS and CGMSC under Sections13(1)(a) r/w 13(2), 7(c) of PC Act, 1988 (as amended) and Section 409, 120-B of Indian Penal Code, 1860. The applicant is the main person in the case of money laundering and entire PoC generated in the scam revolves around the present applicant. During the course of investigation till date, PoC of approx Rs. 135.02 crores have been attributed to the applicant herein. The applicant has laundered the PoC acquired by him and acquired assets in his name as well as in the name of his family members and his firms, to project the PoC as untainted. Since there has been sufficient material in possession of the present respondent which signified the involvement of the present applicant in the offence of money laundering, and thus, he was arrested in the instant ECIR by this Directorate on 14.01.2026 at 01:28 p.m. in Raipur Central

Jail under Section 19 of the Prevention of Money Laundering Act, 2002 and presently is lodged in judicial custody. There is existence of a *prima facie* case against the applicant and non-fulfillment of the twin conditions enumerated in Section 45(1) of the PMLA, 2002. It is submitted that Section 45(1) of PMLA, 2002 lists the twin conditions that must be satisfied before an accused can be enlarged on bail in a case of money laundering. In this context, it will be relevant to take note of the observations of the Hon'ble Apex Court of India in the case of ***Vijay Madanlal Choudhary v. Union of India 2022 SCC OnLine SC 929***, on the satisfaction of mandatory twin conditions under Section 45 of PMLA. Further, the offence of money laundering being an economic offences constitutes a class apart and need to be visited with different approach. Hence, this petition deserves to be dismissed. In supprort of his contentions, the respondent places reliance on the decision of the Apex Court in ***Saumya Chaurasia v. Directorate of Enforcement***, {2023 SCC OnLine SC 1674}, ***Tarun Kumar vs. Enforcement Directorate*** {2023 SCC OnLine SC 1486}, ***Gautam Kundu vs. Directorate of Enforcement (Prevention of Money-Laundering Act), Government of India through Manoj Kumar, Assistant Director, Eastern Region*** {(2015) 16 SCC 1}, ***Satyendar Kumar Jain vs. Directorate of Enforcement***, {2024 SCC OnLine SC 317}, ***Rohit Tandon vs. Directorate of Enforcement***, {(2018) 11 SCC 46}, ***Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation*** {(2013) 7 SCC 439}; ***Nimmagadda Prasad v. Central Bureau of Investigation*** {(2013) 7 SCC 466}; ***Gautam Kundu v. Directorate of Enforcement*** {(2015) 16 SCC 1}; ***State of Bihar and Anr. v. Amit Kumar alias Bachcha Rai*** {(2017) 13 SCC 751}, ***State of Gujarat v. Mohanlal Jitamalji Porwal and Anr***. {(1987) 2 SCC 364}, ***P. Chidambaram v.***

Directorate of Enforcement; {AIR 2019 Supreme Court 4198}, ***Anil Kumar Yadav vs. State (NCT) of Delhi*** {SLP (Crl.) 7213 of 2027}, ***Union of India Through the Assistant Director v. Kanhaiya Prasad***, {Criminal Appeal No. 728 of 2025 decided on 13.02.2025} and a judgment of the Orissa High Court in ***Mohd. Arif v. ED***; Bail Application No. 2607 of 2020.

12. Placing reliance on the rejoinder filed, learned counsel for the applicant submits that the applicant deserves to be enlarged on bail as the applicant has already been granted bail by the Apex Court in Criminal Appeal No. 1978/2026, vide order dated 17.04.2026 wherein the order passed by this Court rejecting the bail in respect to the predicate offence bearing Crime No. 5/22025 for the offences under Sections 120-B IPC and Sections 13(1)(a) and 13(2) read with Section 7(c) of the Prevention of Corruption Act. The present case is an offshoot of the predicate offence. Reliance has further been placed on a judgment of the Apex Court in ***Arvind Walia v. Directorate of Enforcement and Another*** {SLP (Crl.) No. 2461/2026, decided on 23.03.2026}, wherein the Apex Court has observed that Section 45 of the PMLA cannot be interpreted to justify indefinite detention. In appropriate cases, the constitutional courts must intervene and have, in fact, intervened in the past to safeguard the right to personal liberty of the accused under Article 21. Hence, on this count also, the applicant deserves to be enlarged on bail.

13. I have heard learned counsel appearing for the parties and perused the materials available on record including the case diary.

14. Having heard learned counsel for the parties, and upon perusal of the case diary, prosecution complaint and material placed on record, this Court finds that the present ECIR is admittedly an offshoot of the predicate offence bearing Crime No. 05/2025 registered by ACB/EOW, Raipur. The applicant was arrested in the predicate offence on 28.01.2025 and has remained in continuous custody since then. It is not in dispute that the Hon'ble Supreme Court, vide order dated 17.04.2026 passed in Criminal Appeal No. 1978/2026, has already enlarged the applicant on bail in the predicate offence. It is also not disputed that the investigation in the present ECIR qua the applicant stands concluded and the prosecution complaint has already been filed before the learned Special Court under the provisions of the PMLA.

15. This Court further finds that though the ECIR was recorded on 18.02.2025, the applicant came to be arrested by the respondent-ED only on 14.01.2026, i.e., after almost eleven months of investigation, despite searches having already been conducted in July and August, 2025 and despite the applicant being available in judicial custody throughout. During the said period, the respondent-ED had ample opportunity to interrogate the applicant and collect material. The record further reflects that on earlier occasions, despite alleged recovery of incriminating material during search operations, the applicant was not arrested. At this stage, custodial interrogation of the applicant is no longer required.

16. With respect to the contention of the learned counsel for the respondent/ED with respect to existence of a *prima facie* case against the applicant and non-fulfillment of the twin conditions enumerated in Section 45(1) of the PMLA, 2002, it would be beneficial to take note of the said conditions, which reads as under:

> *"45. Offences to be cognizable and non-bailable.- Not withstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), on person accused of an offence under this Act shall be released on bail or on his own bond*

unless -

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release; and

(ii) where the Public Prosecutor oposes the aplication, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offences and that he is not likely to commit any offence while on bail:

Provided that a person who is under the age of sixteen years or is a woman or is a sick or infirm or is accused either of his own or alongwith other accused of money-laundering a sum of less than one crore rupees, may be released on bail, if the special court so directs:

Provided further that the Special Court shall not take cognizance of any offence punishable under Section 4 except upon a complaint in writing made by -

(i) The Director; or

(ii) Any officer of the Central Government or State Government authorised in writing in this behalf by the Central Government by a general or a special order made in this behalf by that Government. "

17. With respect to the above contentions, the Hon'ble Apex Court, in ***Arvind Walia v. Directorate of Enforcement and Another*** {SLP (Crl.) No. 2461/2026, decided on 23.03.2026}, has observed that Section 45 of the PMLA cannot be interpreted to justify indefinite detention. In appropriate cases, the constitutional courts must intervene and have, in fact, intervened in the past to safeguard the right to personal liberty of the accused under Article 21. In the present case, the applicant is in jail since 28.01.2025 and even the prosecution complaint has been filed by the ED before the learned Special Court under the PMLA. As such, the applicant cannot be kept in detention for an indefinite period taking the aid of Section 45 of the PMLA and the twin conditions already stand satisfied.

18. It is also pertinent to note that the applicant has remained in custody for a substantial period and the trial in the present matter is likely to take considerable time for its conclusion, particularly having regard to the nature of allegations, volume of documents and number of witnesses involved. Continued incarceration of the applicant, once investigation stands completed and prosecution complaint has been filed, would not serve any fruitful purpose. The applicant is stated to be a permanent resident of the State, having family roots and no criminal antecedents apart from the present case and the predicate offence. Nothing substantial has been brought on record by the respondent to demonstrate that in the event of release on bail, the applicant is likely to abscond, tamper with evidence or influence witnesses.

19. Without commenting upon the merits of the rival contentions and considering the period of detention undergone by the applicant, the completion of investigation qua the applicant, filing of prosecution complaint, grant of bail by the Hon'ble Supreme Court in the predicate offence and the fact that conclusion of trial is likely to take time, this Court is of the considered opinion that the applicant has made out a case for grant of regular bail. Accordingly, the present bail application deserves to be and is hereby **allowed**.

20. Let applicant, **Shashank Chopda**, involved in Crime No. ECIR/RPZO/07/2025 registered by Directorate of Enforcement, Raipur, District Raipur, for the offence punishable under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002, be released on bail on furnishing **personal bond** with **two sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against her, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

21. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
CHIEF JUSTICE

Vaishali / Amit