



2026:CGHC:16769-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 1025 of 2026**

Vinod Kumar Sande S/o Dhanaram Sande Aged About 42 Years
Occupation - Teacher (Lb) Middle School Bela District Korba
Chhattisgarh R/o House No. 406, Near Aara Machine, Ward No. 23,
Kashi Niharika Korba, District Korba Chhattisgarh

... Petitioner(s)**versus**

1. State of Chhattisgarh Through Secretary Home, Atal Nagar
Mahanadi Bhawan, Nava Raipur District Raipur Chhattisgarh
2. Superintendent of Police Bilaspur District Bilaspur Chhattisgarh
3. Senior Superintendent of Police Anti Corruption Bureau Raipur,
District Raipur Chhattisgarh
4. Anti Corruption Bureau/ Eow Bilaspur, District Bilaspur
Chhattisgarh

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Awadh Tripathi, Advocate.
For Respondent/State	:	Mr. Priyank Rathi, Government Advocate.



Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

13.04.2026

1. Heard Mr. Awadh Tripathi, learned counsel for the petitioner. Also heard Mr. Priyank Rathi, learned Government Advocate, appearing for the State.
2. The present petition has been filed by the petitioner with the following prayer:

"It is, therefore, prayed that this Hon'ble Court may kindly be pleased to allow this petition and quash the charge-sheet of FIR No. 45 of 2025 at ACB Unit Bilaspur (C.G.) against the petitioner for an offence under Section 7 of the Prevention of Corruption Act, 1988 Amended Act 2018 also quashing of the cognizance taken by the learned Special Judge (Prevention of Corruption Act) Korba District Korba (C.G.) vide order dated 19.02.2026 in Special Case (Corruption) No. 1 of 2026 as well as the further proceedings of Special Case (Corruption) No. 1 of 2026 for an offence under Section 7 of the Prevention of Corruption Act 1988 amended Act 2018 pending before the learned Special Judge (Prevention of



Corruption Act) Korba, District Korba (C.G.), in the interest of justice.”

3. Learned counsel for the petitioner submits that the petitioner is a Teacher (L.B.) and has been falsely implicated in the present case. It is submitted that during the process of rationalization, although the complainant's wife was not appointed under the disabled category, she subsequently obtained a disability certificate during service and produced the same before the competent authority, on the basis of which another teacher, namely Varsha Hardaha, was declared surplus. It is further submitted that with the assistance of the present petitioner, the said Varsha Hardaha preferred a writ petition before the Hon'ble High Court of Chhattisgarh and succeeded therein, and consequently, her transfer order was quashed by the D.E.O., Korba.

4. Learned counsel for the petitioner contended that thereafter, the complainant's wife was called for counselling on 16.07.2025 and was transferred on 17.07.2025. It is alleged by the prosecution that the petitioner demanded ₹2,00,000/- to prevent such transfer. However, the said allegation is false and fabricated. The petitioner, being merely a Teacher (L.B.), has no authority or capacity to influence transfer/posting, as the competent authorities under the policy are the Collector and Joint Director.

5. It is further submitted that due to the success of Varsha Hardaha in the writ petition, the complainant developed animosity against the petitioner and falsely implicated him. It is contended that no money was



recovered from the possession of the petitioner; rather, the alleged amount was found in the complainant's own house, which renders the prosecution case doubtful.

6. Learned counsel for the petitioner would submit that the petitioner never demanded or accepted any bribe and even at the time of interrogation denied the allegations. It is also argued that the phenolphthalein test did not yield a positive result, and the prosecution has fabricated the panchnama. He further contended that although the prosecution claims that the trap proceedings were videographed, the said footage has neither been properly produced before the trial court nor supplied to the petitioner. Further, there is no audio-video recording of the alleged demand or acceptance, as the recording device was not activated at the relevant time. These circumstances, according to the petitioner, create serious doubt about the prosecution case.

7. It is also contended by the learned counsel, appearing for the petitioner that the trap proceedings are doubtful, as the alleged recovery was made from the bedroom of the complainant, whereas the petitioner was in the living room and had no occasion to enter the bedroom. It is further submitted that a previous trap attempt on 15.07.2025 had failed and thereafter the petitioner was called to the complainant's house on 17.07.2025 on the pretext of returning tent materials and was falsely trapped.

8. It is further submitted by the learned counsel for the petitioner that the petitioner also runs a tent business and had given materials on rent



to the complainant on 16.07.2025, and on 17.07.2025 he had gone only to collect the same, when he was falsely implicated.

9. Learned counsel submits that the entire case is based on conjectures and interested testimony without independent corroboration, and therefore, continuation of proceedings would amount to abuse of process of law.

10. *Per contra*, learned State counsel opposes the petition and submits that there are specific and categorical allegations against the petitioner regarding demand of illegal gratification. It is submitted that prior to the trap, the complainant had recorded the conversation, which was verified and transcribed in the presence of independent panch witnesses. Based on such material, a prima facie case was found and the trap proceedings were conducted.

11. Learned State counsel further submits that the trap proceedings were carried out in accordance with law, and the petitioner was apprehended at the spot pursuant to a pre-arranged signal. It is submitted that the phenolphthalein test report and chemical examination report are positive, and sanction for prosecution has also been duly obtained from the competent authority.

12. It is contended that the defence raised by the petitioner, including non-recovery from possession, lack of authority, alleged animosity, and discrepancies in investigation, are all matters of evidence which cannot be examined at this stage. It is submitted that the charge-sheet discloses a prima facie offence, and therefore, the petition deserves to



be dismissed.

13. We have heard learned counsel for the parties and perused the material available on record.

14. The legal position regarding quashing of criminal proceedings is well settled. The inherent powers under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 are to be exercised sparingly and in exceptional circumstances. At this stage, the Court is only required to see whether the allegations, taken at their face value, disclose the commission of an offence, and not to evaluate the evidence in detail.

15. From a perusal of the charge-sheet, it transpires that there are specific allegations that the petitioner demanded Rs. 2,00,000/- from the complainant for influencing the transfer of his wife. The prosecution has relied upon recorded conversation, its transcription, and trap proceedings conducted in the presence of independent witnesses.

16. The contention of the petitioner that no recovery was made from his possession, and that the amount was found in the complainant's house, is a matter of defence which requires appreciation of evidence. Similarly, the plea regarding lack of authority to influence transfer and alleged false implication due to personal grudge are disputed questions of fact.

17. The alleged discrepancies in phenolphthalein test, non-production of video footage, and absence of recording of the transaction are also matters which can be tested during trial. At this stage, this Court cannot embark upon a detailed enquiry or conduct a mini-trial.



18. Considering the material available on record, this Court is of the opinion that a prima facie case is made out against the petitioner under Section 7 of the Prevention of Corruption Act, 1988.

19. In view of the above, this Court does not find any ground to exercise its inherent jurisdiction under Section 528 of the BNSS for quashing the proceedings.

20. Accordingly, the petition is hereby **dismissed**. However, it is made clear that the observations made herein are only for the purpose of deciding the present petition and the learned trial Court shall decide the case independently on the basis of evidence adduced before it without being influenced by any observations made in this order.

**Sd/-
(Ravindra Kumar Agrawal)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**