



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL No. ____/2026
[Arising out of SLP (Crl.) No. 4542/2026]**

BASANT KUMAR KAUSHIK

APPELLANT

VERSUS

STATE OF CHHATTISGARH

RESPONDENT

WITH

**CRIMINAL APPEAL No. ____/2026
[Arising out of SLP (Crl.) No. 5381/2026]**

DEEPAK BANDHE

APPELLANT

VERSUS

STATE OF CHHATTISGARH

RESPONDENT

ORDER

1. Leave granted.
2. The High Court of Chhattisgarh at Bilaspur by judgments and orders dated 23rd February 2026 and 30th January 2026 has rejected the second application for grant of regular bail of the appellant – Basant Kumar Kaushik¹ and the first application for grant of regular bail of the appellant – Deepak Bandhe², respectively. The same are under challenge in these appeals.
3. Appellants – Kaushik and Bandhe – were arrested on the same day,

¹ Kaushik

² Bandhe

i.e., 21st March, 2025 in connection with FIR No. 05/2025 dated 22nd January, 2025, registered at Police Station Economic Offence Wing/Anti-Corruption Bureau, District - Raipur, Chhattisgarh for the offence punishable under Sections 120-B and 409 of the Indian Penal Code, 1860 and Sections 13(1)(A) read with 13(2) and 7(c) of the Prevention of Corruption Act, 1988.

4. The case concerns alleged multiple irregularities committed by public servants in relation to a healthcare initiative undertaken by the State.
5. Under the “Hamar Lab” scheme³, the Directorate of Health Services⁴ intended procurement of medical equipment and reagents through the Chhattisgarh Medical Services Corporation Ltd.⁵, which in turn floated a tender⁶ dated 26th August, 2022, declaring Mokshit Medicare Pvt. Ltd.⁷ as the “L-1 bidder”. It is alleged that officials of the DHS and the CGMSCL conspired with the company (Mokshit) by tailoring tender conditions to favour it. Upon award of work order, allegedly, medical equipments and reagents were procured beyond requirement and at inflated rates causing a loss of approximately Rs. 411 crore to the State Government.
6. Kaushik, while holding a position in the CGMSCL, is alleged to have abused his official authority by approving and processing the procurement of the said goods. It is further alleged that he used his

³ A public healthcare initiative launched by the Government of Chhattisgarh to strengthen diagnostic services at the district level.

⁴ DHS

⁵ CGMSCL

⁶ Tender No. 182/EQP/CGMSCL/2022-23

⁷ Mokshit

influence to incorporate tailor-made conditions and technical specifications without formally presenting them to the members of the Tender Scrutiny Committee and obtained their signatures without placing the relevant documents before them.

7. Bandhe, who was a member of the Tender Specification Committee, is alleged to have processed agreements solely on demands made by districts concerned, facilitated the purchase of CBC machines worth Rs. 38.33 crore without issuing any tender, bypassed mandatory procurement procedures, failed to place technical specifications before the competent committee and obtained approvals informally, concealed relevant documents to prevent scrutiny and received a 0.2% commission from a director of Mokshit.
8. We have heard learned counsel appearing for the parties.
9. Trial is yet to begin. Chargesheet has been filed on 25th April, 2025 and a supplementary chargesheet filed on 16th April, 2026; however, the charges are yet to be framed. A total of 71 and 53 witnesses have been named in the chargesheet and the supplementary chargesheet, respectively. We have been informed that two co-accused have already been enlarged on bail.
10. Resisting the prayer for grant of bail, it was contended on behalf of the State that the appellants pose a flight risk and are likely to tamper with evidence and influence witnesses.
11. However, we find it difficult to accept these contentions. Any

apprehension that the appellants might flee the course of justice can be adequately addressed by imposing a condition requiring the appellants to surrender their passports. Further, since the chargesheet and the supplementary chargesheet have been filed and the evidence already seized, question of tampering with the evidence does not arise. Also, since the witnesses are mostly public officials, influencing witnesses and winning them over is remote.

12. Upon a specific query posed by us, we were informed that the appellants were not interrogated, even once, during the period they were in judicial custody.
13. In view thereof, we are of the considered opinion that further detention of the appellants' pending trial is not necessary; and, since the appeal deserves acceptance, the appellants may be admitted to an order for grant of bail.
14. Accordingly, we set aside the impugned judgment and order.
15. Appellants shall be released on bail, subject to furnishing of bail bonds to the satisfaction of the trial court and subject to such other terms and conditions as may be imposed by it in the light of the observation made hereinabove and as considered fit and proper in the circumstances.
16. Needless to observe, the appellants shall not, directly or indirectly, by making inducement, threat or promise, dissuade any person acquainted with the facts of the case from disclosing such facts to the

court.

17. In the event there is any breach of the terms and conditions for grant of bail, the trial court shall be at liberty to cancel the bail of the appellants.
18. It is also ordered that the appellants shall diligently attend proceedings of the trial, unless exempted. If they abstain from attending the proceedings without justifiable cause, that could also be seen as breach of the conditions for grant of bail and the trial court will be free to pass appropriate orders.
19. We clarify that the observations made in this order and grant of bail will not be treated as findings on the merits of the case.
20. The appeals are, accordingly, allowed on the aforesaid terms.
21. Since this order has been made in view of the peculiar facts and circumstances recorded above, the same by itself will not afford ground for any co-accused to claim the relief of bail basing thereon.
22. Pending applications, if any, stand disposed of.

.....J.
(DIPANKAR DATTA)

.....J.
(SATISH CHANDRA SHARMA)

**New Delhi;
May 05, 2026.**

ITEM NO.1

COURT NO.8

SECTION II-C

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**

Petition for Special Leave to Appeal (Crl.) No.4542/2026

[Arising out of impugned final judgment and order dated 23-02-2026 in MCRC No.1839/2026 passed by the High Court of Chhatisgarh at Bilaspur]

BASANT KUMAR KAUSHIK

Petitioner

VERSUS

STATE OF CHHATTISGARH

Respondent

I.A. No.78657/2026-EXEMPTION FROM FILING O.T.

WITH

SLP(Crl) No. 5381/2026 (II-C)

I.A. No.92113/2026-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

I.A. No.92114/2026-EXEMPTION FROM FILING O.T.

Date : 05-05-2026 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA**

**For Petitioner(s) : Mr. Kumar Vaibhaw, Adv.
Ms. Devina Sehgal, Adv.
Ms. Somaya Gupta, Adv.
Mr. Devrishi Tyagi, Adv.
Ms. Aditi Gupta, AOR**

**Mr. Siddharth Aggarwal, Sr. Adv.
Mr. Gopal Jha, AOR
Mr. Tilak Vij, Adv.
Mr. Nimish Arjaria, Adv.
Mr. Shireesha Sharma, Adv.
Mr. Sawan Datta, Adv.
Mr. Pabitra Roychauduri, Adv.**

**For Respondent(s) : Mr. Ravi Sharma, A.A.G.
Mr. Apoorv Shukla, AOR
Ms. Prabhleen A. Shukla, Adv.**

**Ms. Ilashri Gaur, Adv.
Mr. Praphull Kumar, Adv.**

**UPON hearing the counsel the Court made the following
O R D E R**

1. Leave granted.
2. The appeals are allowed in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

**(MANIK KUMAR)
SENIOR PERSONAL ASSISTANT**

**(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)**