

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33906 of 2016

Arising Out of PS.Case No. -1 Year- 2015 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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1. Sandeep Kumar Gond son of Sri Gopal Prasad Gond, resident of
Mohalla- Kaimashikoh Patna city, Police Station Chowk, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Economic Offence Unit, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar
For the EOU : Mr. Akhileshwar Prasad Singh, Sr. Adv.
Mr. Rajeev Ranjan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

6 16-09-2016 Supplementary affidavit is filed on behalf of the
petitioner.

Heard learned counsel for the petitioner as well as
learned counsel, appearing for Economic Offences.

Petitioner seeks bail in a case registered under
Sections-420, 467, 468, 471, 409, 120(B) of the Indian Penal Code
and under Sections-81(1)(C), 81(2), 81(4) of Bihar VAT Act.

The present case was lodged against six firms and
several owners of the trucks. In course of investigation, it came to
light that the petitioner, being owner of Triveni Coal Traders,
having produced forged documents, brought coals in huge quantity
from Jharkhand but did not pay the taxes etc., causing huge

revenue loss to the Government.

Submission on behalf of petitioner is that petitioner is not proprietor of Triveni Coal Traders and as a matter of fact, some persons, having prepared forged documents, used the name of petitioner. It is further submitted that the investigating officer implicated the petitioner in this case on the basis that TIN No., used in the present case, had been issued in the name of petitioner and furthermore, it also came to light that PAN card of the petitioner was used. It is further submitted on behalf of petitioner that as a matter of fact, a forged PAN card was got prepared in the name of petitioner by some scrupulous persons and the original PAN card of the petitioner is a different PAN card, which has been annexed with supplementary affidavit.

Learned counsel for the petitioner further submits that the concerned I.O. without verifying the aforesaid facts, arrested the petitioner from his house and got remanded in this case whereas; several accused persons have been left by the I.O. to move freely.

On the other hand, learned counsel, appearing for Economic Offences opposed the prayer on the basis that in course of investigation, it came to light that the petitioner, having prepared forged documents, smuggled coals from other State

causing revenue loss to the government.

The investigation against the petitioner appears to have already been completed and therefore, considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Economic Offence P.S. Case No. 01 of 2015 to the satisfaction of learned Sub Divisional Judicial Magistrate (Special Court of Economic Offences), Patna.

The case diary so received by the Special P.P. is being returned. Let the same be sent to the court below concerned.

(Hemant Kumar Srivastava, J)

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