

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53530 of 2015

Arising Out of PS.Case No. -74 Year- 2014 Thana -KOTWALI District- MUNGER

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Sanjeev Kumar Chaurasiya Son of Ram Swaroop Prasad Chaurasiya,
Resident of English Patam, P.S. Naya Ram Nagar, District - Munger.

.... Petitioner/s

Versus

The State of Bihar Through Vigilance Eou

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. V.N.P.Sinha, Sr. Advocate
Mr. Vijay Anand

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 18-02-2016 Heard Mr. P.K. Sinha for the petitioner and Mr.

Vishwanath Prasad Singh for the Economics Offence Unit of

the State Government.

The application seeks privilege of anticipatory bail in

Special Case No. 37A/14 arising out of Kotwali (Munger) P.S.

Case No. 74/14 registered under sections

406,409,420,467,468,471,120-B, sections 7,12,13,14 of

Prevention of Corruption Act and sections 65,66 (ii) 72 of I.T.

Act.

Several accused persons have been named in the FIR.

The petitioner is however not named therein. In substance, the

allegation is that during the audit carried out in the office for the



period 2013-14 it was found that the licensee like the petitioner were depositing the less licence fee and/or forged bank challan(s) showing deposit of the licence fee. In the case of the petitioner, in course of investigation, it was found that either less licence fee/amount or fake challan(s) were deposited by the petitioner in the year 2012. Having found so, the office of the Excise Superintendent by a communication dated 22.07.2014 called upon the petitioner to deposit Rs. 4, 76,970/- which was outstanding against the petitioner.

Mr. Sinha, counsel for the petitioner, has submitted that the amount of licence fee was deposited by the petitioner. He has, in this connection, draws attention of the Court to the Challans annexed to the bail application. It has also been submitted that indisputably the shop was assigned to some other person in August, 2013. Some of the accused persons of the case have been released either on anticipatory bail or regular bail. However, for securing the privilege of anticipatory bail the petitioner would be willing to deposit part of the defalcated/embezzled amount, if so directed by this Court without prejudice to his right and contention in the case.

The counsel for the Economic Offence Unit has however opposed the application stating that the allegation per se is that

the licensee like the petitioner deposited either less licence fee and/or produced fake challan(s) and, as such, the stand of the petitioner that he deposited certain amount cannot be accepted on its face value. The matter is still under investigation.

Considering the facts and circumstances of the case as also the stand of the petitioner, the application is allowed. Let the petitioner above named surrender in the court below (Special Judge, Vigilance II, Patna in Special Case No. 37-A/14/Kotwali (Munger) P.S. Case No. 74/14) within six weeks and furnish the bail bonds in the sum of Rs. 20,000/- with two sureties of the like amount each. Along with the bail bonds, the petitioner shall produce the proof of deposit of Rs. 1.5 lakh in the office of the informant and/or Excise Superintendent, Munger whereafter he shall be released on provisional bail for a period of 03 months. Before expiry of the period of the provisional bail, the petitioner shall present the proof of deposit of another sum of Rs. one lakh in favour of the department whereafter the court below shall confirm the bail of the petitioner. It is clarified that such deposit(s) made by the petitioner shall be without prejudice to his right and contention in the case. One of the bailors of the petitioner shall be his own/close family member. No sooner the charges are framed, the petitioner shall appear in person on the

dates fixed in the trial. In case of default in doing so, on two consecutive dates, the trial court shall have liberty to cancel his bail bonds. The deposit of the amount so made by the petitioner shall be subject to the result of the case.

(Kishore Kumar Mandal, J)

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