IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36122 of 2016

Arising Out of PS.Case No. -175 Year- 2007 Thana -SHASTRINAGAR District- PATNA

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Santosh Kumar, son of Late Amarendra Kumar Jha, resident of 18, Manas Marg, Road No.2, West Shivpuri, P.S.-Shastrinagar, District-Patna

.... Petitioner

Versus

The State of Bihar through Vigilance Commissioner (Cabinet Vigilance), Bihar

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Tuhin Shankar, Advocate

For the Opposite Party/s : Mr. Santosh Kumar, AC to I/c Vigilance

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-08-2017

Heard Mr. Tuhin Shankar, learned counsel for the petitioner and Mr. Santosh Kumar, learned counsel for the Vigilance.

2. The present application has been filed under Section 482 of the Code of Criminal Procedure for quashing orders dated 31.05.2016 and 22.06.2016 in Special Case No.13 of 2011 by which the petitioner's prayer for discharge has been rejected.

3. It would be manifest from the record that the present case was instituted on the basis of the written report filed by one Umesh Kumar Sinha, Incharge Director, F.S.L. Patna in which it was alleged that in five cases i.e., Mohania P.S. Case No.219 of

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2006, Durgawati P.S. Case No. 266 of 2007, Sasaram P.S. Case No.323 of 2004, Simri Buxar P.S. Case No.125 of 2002 and Buxar Mofassil P.S. Case No.133 of 2003 complaints were received from the respective courts of the districts that examination report regarding narcotic drugs had been submitted by the Forensic Science Laboratory, which were on subsequent verification found to be fake and forged. On such report, this Court had directed the Vigilance Investigation Bureau in Cr. Misc. No.6651 of 2010 to investigate the matter after taking over investigation of Shastrinagar P.S. Case No.175 of 2007. During course of investigation, the active involvement of the petitioner in the alleged offence transpired pursuant to which the police submitted charge-sheet and cognizance of the offence was taken.

4. Having regard to the nature of allegations and the materials collected during investigation when the petitioner filed his application for discharge before the court of Special Judge, Vigilance-I, Patna, the same was rejected vide order dated 31.05.2016. The said order dated 31.05.2016 is under challenge in the present application.

5. Mr. Tuhin Shankar, learned counsel for the petitioner has submitted that there is no substance in the accusation as far as the petitioner is concerned. There is also no legal evidence

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so as to put the petitioner on trial.

6. On the other hand, learned counsel for the Vigilance has vehemently opposed the prayer of the petitioner. He has submitted that in course of investigation several materials were collected, which incriminates the petitioner with the alleged offence. He has submitted that the learned Special Judge has correctly appreciated the evidence collected during investigation in order to arrive at a finding that those materials were sufficient to put the petitioner on trial.

7. I have heard learned counsel for the parties and perused the record.

8. I find substance in the submissions made by the learned counsel for the Vigilance. The offence alleged is quite serious. The investigation was taken by the Vigilance pursuant to the order passed by this Court. The active participation of the petitioner has been found in course of investigation by the Vigilance Investigation Bureau in preparation of forged expert reports to be submitted before different districts in judicial proceeding. The learned Special Judge has passed a detailed order highlighting the materials, which were collected against the petitioner, in course of investigation while refusing the application for discharge.

9. Under the facts and circumstances of the case, I

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see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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