

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36054 of 2017

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

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Gushil Kumar Pandey, Son of Gopal Pandey, Resident of Village-Anaith
Zero Mile, Police Station-Nawada, District-Bhojpur.

.... Petitioner

Versus

1. State of Bihar
2. Joint Commissioner, Commercial Tax, Central Bureau of Investigation,
Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque

For the Opposite Party/s : Mr. Akhileshwar Prasad Singh, Smr. Adv.(EOU)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 24-11-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State and learned counsel appearing on

behalf of Economics Offences Unit, Bihar Patna.

The petitioner seeks bail in connection with

Economics Offence P.S. Case No. 01 of 2015 for the offences

punishable under Sections 420, 467, 468, 471, 409, 120B of the

Indian Penal Code and Sections 81 (1) (c), 81 (2), 81 (4) of the

VAT Act.

The prosecution case, as lodged by the Joint

Commissioner, Commercial Taxes, Patna is that some persons are

selling coal, have prepared forged form D-IX for trading from

Jharkhand to Bihar under fake name of firms and traded in coal at

half price. It is alleged that 3486 transactions were made and total



price of coal would be Rs. 30,18,27,846.90/- but making manipulation in document the price was undervalued half at Rs. 17,48,54,885.20/-. In this transaction many firms and truck owners were involved who have collectively caused revenue loss to the Government to the tune of Rs. 80,91,648/- under the Bihar Value Added Tax act.

It has been submitted by the learned counsel for the petitioner that he is not named in the FIR, but during investigation his name surfaced. It is alleged that three fake details were prepared by the petitioner who is proprietor of M/s Rani Sati Enterprises in the name of three firms putting a revenue loss of Rs. 5,55,498/-. Other accused persons have been granted the privilege of pre-arrest and regular bail by Co-ordinate Benches of this court. He submits that he is a business man, will not abscond and is ready to co-operate in the investigation if not concluded and face trial on day to day basis. It is further submitted the charge-sheet has already been submitted and the petitioner is languishing in judicial custody since 25.05.2017.

Mr. Akhileshwar Prasad Singh, Senior Counsel appearing on behalf of Economic Offence Unit, submits that large number of persons including the petitioner has evaded Tax under the Bihar Value Added Tax Act which had to be paid on account



of trade of coal. He submits that fake bulity and form D-IX were fabricated by the petitioner resulting in loss to the State exchequer.

Considering the facts and circumstances and the materials on record as well as the undertaking of the petitioner to co-operate in investigation and trial, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna in connection with Economic Offence P.S. Case No. 01 of 2015, subject to the condition that both bailors would be a close relative of the petitioner having sufficient immovable property who will file an affidavit stating his relationship with the petitioner and the petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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