

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46970 of 2017

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

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1. Dewa Gupta S/o Hari Kishore Gupta Resident of Village Chatouni Bazar,
P.S. Chatouni, District - East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar through the Economic offence Unit, Bihar, Patna.
2. Inspector General , Economic Offence Unit, Bihar at Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik

For the Opposite Party/s : Mr. V.N.P. Sinha (Eou Unit)
Mrs. Soni Srivastava.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 07-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Economic Offence P.S.
Case No. 01 of 2015 instituted for the offence under Sections-420, 467,
468, 471, 409, 120B of the Indian Penal Code and Sections-81(1)©/
81(2)/81(4) of Bihar Vat Act.

It has been submitted that the petitioner is not named in the
written report. He is said to be one of the 75 registered businessmen.
His name has cropped up as Proprietor of Maa Bodhi Enterprises,
Motihari.

The allegation in the FIR is that Tata Steel Ltd. (Coal
Division) sold coal to 461 registered purchasers. The trucks were used
for carrying coal from the mines of Tata. Three named accused persons
namely, Sarvshree Rashi Trading Ltd. Sarvshree Dakshineshwari Sales,



Ramgarh and Sarvshree Bhadrakali Trading Company Ramgarh have used the same invoice and have prepared documents for selling the aforesaid coal for half the price. Thereafter, 75 registered businessmen of Bihar have got e-road permit for importing the coal. About 3486 such transactions have taken place. The legitimate price of the aforesaid amount of coal was Rs. 30,18,27,846/- whereas it was shown to be Rs. 17,48,54,885/- and as such, in a criminal conspiracy, this under valuation was done. Total 714 trucks were involved in this import which has led to a revenue loss of about Rs. 8091648/- to the Government of Bihar.

From the written report itself, it appears that the petitioner is not named. The other co-accused has been granted anticipatory bail by this court vide order dated 11-10-2017 passed in Cr. Misc. No. 46961 of 2017

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall 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 in Economic Offence P.S. Case No. 01 of 2015 to the satisfaction of learned Sub Divisional Judicial Magistrate, Patna subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of



the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

A.K.V./-

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