

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62290 of 2017

Arising Out of PS.Case No. -18 Year- 2014 Thana -C.B.I CASE District- PATNA

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Subhash Chandra Verma Son of Late Ramji Prasad R/o Village - Pipra,
P.O. - Bastha, P.S. - Mainatand, and District - West Champaran.

.... Petitioner/s

Versus

The Union of India through Director C.B.I.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Bipin Kumar Sinha (SC,CBI)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-01-2018 Heard the learned counsel for the petitioner and the learned
APP for the State.

This is an application for grant of anticipatory bail in connection with Special Case No. 09 of 2014 registered for the offence punishable under Sections 120B and 420 of the Indian Penal Code read with section 13(i) (d) of P.C. Act.

The case of the prosecution is that the various officials of F.C.I. entered into a criminal conspiracy with M/s. Arun Kumar Agarwal and M/s. Ravi Transport Agency to commit illegal act in between the period 01.04.2010 to 21.05.2012 and caused wrongful loss to the government by diverting the food grains which were to be brought by Railway wagons and then by trucks to the godown of FCI. It is further alleged that the accused persons ensured that such food grains did not reach the godown and the same was sold illegally resulting in wrongful profit to the accused persons.



The learned counsel for the petitioner submits that the petitioner is a simple gate In-charge who has retired in the year 2013 and he has got no role in the entire process since the contract was awarded to the transporter / contractor for the purposes of unloading the food grains and ensuring their delivery to the gate of the FCI. As far as the petitioner is concerned, there is no allegation against him that either he was present at the time of unloading or he was present at the time of loading the food grains on the truck of the transporters. It is further submitted that no departmental proceeding has been initiated till date against the petitioner, hence it is true that there is no complicity on the part of the petitioner. The petitioner is said to be having a clean antecedent.

The learned counsel for the CBI Shri Bipin Kumar Sinha has submitted that big racket was going on and huge quantity of food grains were diverted resulting in wrongful losses to the Government to the tune of Rs. 2.30 crores approximately. It is further submitted that the investigation is complete and the charge sheet has also been filed against the accused persons. However, in the case diary it has transpired that it would be proper to make the petitioner and some of the other co-accused persons approver in the present case.

The learned counsel for the petitioner has submitted that his client has no objection to becoming an approver of the CBI in the



present case.

Having regard to the facts and circumstances of the case and more particularly the fact that the investigation is over and the charge sheet has been filed, I do not find any reason to reject the prayer of the petitioner for grant of anticipatory bail. Accordingly, the petitioner above named, is directed to be released, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI-IIIrd, Patna in connection with Special Case No. 09 of 2014 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner would cooperate with the CBI and would appear before the Special Court on each and every date fixed and if there are two consecutive defaults without any sufficient reason, the present privilege of bail shall stand withdrawn immediately and the petitioner would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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