

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45531 of 2017

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

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1. Ashok Singh, Son of Tej Narayan Singh, Proprietor of M/S Omkar Enterprises, Resident of Gola Road, Jhakhari Mahadev, Police Station-Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Economics offence Unit, Govt. of Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Adv.

For the EOU : Mr. V.N.P Sinha, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 10-01-2018

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, 120(B) of the Indian Penal Code and 18(1)(C)/61(2) and 81(4) of Bihar Value Added Tax Act, 2005.

It is alleged in the written report that some persons are selling coal in the State of Bihar on the half rate in collusion with the businessman of Bihar by creating the facility of D-iX. It is alleged that 461 purchasers have purchased coal from Tata Steel Ltd. (Coal Division), Ghatotand, Ramgarh, Jharkhand. It is alleged that built was prepared in the name of M/s Rashmi Trading Company, m/s Dakhineswar Sales, Ramgarh & M/s Bhadrakali Trading Company, Ramgarh by creating false bill mentioning half price by creating D-iX



Firm imported coal from Jharkhand to Bihar and in this course, total 3486 transactions was made. It is alleged that in these transactions, total price of coal was Rs. 30,18,27,846.90/- but under conspiracy making manipulation in document, the price was under valued and was shown as Rs. 17,48,54,885.20/- and in this transaction total 714 trucks were involved and collectively all has put the revenue loss to the Government of Bihar of Rs. 80,91,648.00/

It has been submitted that the petitioner is proprietor of M/s Omkar Enterprises having its office situated at Gola Road, Danapur, Patna and the aforesaid firm is registered firm under Commercial Tax Department, Bihar. The petitioner's firm is doing business of Trade Mark of Old Jute Bags under the name and style of M/A Omkar Enterprises having its office situated at Gola Road, Danapur, Patna. It has been submitted that one of his employee, Bhushan Sharma has misused his password and done illegal transaction, for which, the petitioner has already filed Complaint Case against him vide Annexure-3 prior to lodging of this case. The petitioner has also sent information about such act of the employee, Bhushan Sharma to the Commercial Tax Department.

Learned counsel appearing for Economic Offences Unit has appeared and opposed the prayer.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner No. 2 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 cause will be liable to cancel his bail bond 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.

The case diary is returned back.

(Sanjay Priya, J)

A.K.V./-

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