

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3046 of 2015

Arising Out of PS.Case No. -61 Year- 2013 Thana -C.B.I CASE District- PATNA

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Vikash Shiromani, son of late KJ. Narendranath Vaidya, resident of Mohalla Jogsar Chowk, P.S. Kotwali, Distt. Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar, through Principal Secretary, Vigilance Department, Government of Bihar, Patna & Ors.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate.
Mr. Surendra Kumar Singh, Advocate.

For the State : Mr. Birju Prasad, G.P. 13
Mr. Ravi Kumar, A.C. to G.P. 13

For the Vigilance Deptt. : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Santosh Kumar Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 23-04-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the entire prosecution lodged against the petitioner vide Special Case No. 66 of 2013 arising out of Vigilance P.S. Case No. 61 of 2013.

2. Heard learned counsel for the petitioner, learned counsel for the vigilance and learned counsel for the State.

3. Learned counsel for the petitioner has submitted that he was not the Drug Inspector at the relevant time. Sangita Kumari was the Drug Inspector. The petitioner was deputed to assist Sangita Kumari. He has also submitted that he has no concern with the purchase of medicines. The same was done after recommendation



of the Purchase Committee.

4. Counter affidavit has been filed on behalf of the State as well as Vigilance.

5. It has been stated in the counter affidavit filed on behalf of the State that charge sheet has already been submitted against the petitioner for the offence under Sections 406, 420, 120B of the Indian Penal Code and Section 13(2) read with Section 13 (1)(d) of Prevention of Corruption Act.

6. The vigilance has mentioned in the counter affidavit that petitioner was deputed to assist Purchase Committee for fair disposal of tender of PMCH, but he deliberately did not disclose the actual rate of medicines, chemicals and medical equipments and also did not disclose the name of genuine firm and supplier of medicines since he was in collusion with the local traders and suppliers.

7. It is also mentioned in the counter affidavit that competent authority has issued prosecution sanction against this petitioner during course of investigation on the basis of incriminating evidences.

8. The matter is at present pending in the court below for hearing on the point of discharge.

9. In such circumstances, this Court is not inclined to



interfere in the First Information Report instituted by the prosecution.
The matter is pending for hearing on the point of discharge after cognizance having been taken by the court below.

10. This Criminal Miscellaneous application is accordingly dismissed.

11. Petitioner is given liberty to raise all the points as raised in the petition either at the stage of framing of charge or during trial.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01/05/2018
Transmission Date	01/05/2018

