

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62179 of 2017

Arising Out of PS.Case No. -459 Year- 2014 Thana -AGAMKUAN District- PATNA

=====

1. Saurabh Tekriwal Son of late Sheo Kumar Tekriwal Resident of Mohalla - Jhauganj, Police Station - Chowk, Patna City, District - Patna, Proprietor Sri Ajad Transport Company Private Limited, Patna City.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

For the Opposite Party/s : Mr. Sri Harendra Prasad

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-01-2018 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Agam Kuan P.S. Case No. 459 of 2014 registered for the offence punishable under Sections 406, 409, 420, 34 of the Indian Penal Code and Sections 81 (1) (C), 81(2) and 81(4) of the Bihar Vat Act.

The case of the prosecution is that the raids were conducted at various godowns of the petitioner, who is owning a transport company and it was found that the goods have been kept on which Sales Tax Vat etc. had not been paid. Subsequently, the goods were kept in the safe custody of the petitioner and he was directed not to dispose of the same. Further subsequently, the



petitioner had disposed of the goods resulting in loss to the Government to the tune of Rs. 65,00,000/- an odd.

The learned counsel for the petitioner submits that the Sales Tax Department has already initiated proceedings and levied fine to the tune of Rs. 65,00,000/- as well as the seizure has culminated into an order of punishment, which has already been challenged in revision before the Commissioner, Sales Tax, hence, since the tax liability has already been fixed, there was no occasion for keeping the goods in the safe custody by the petitioner and not disposing of the same. It is further submitted that if at all, the Commissioner finds that the sales tax liability has been appropriately fixed, subject to further appeals etc., the petitioner would be liable to pay the same.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner above named, in the even 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 Additional Chief Judicial Magistrate, Patna City in connection with Agam Kuan P.S. Case No. 459 of 2014 subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

ajay gupta/-

U		T	
---	--	---	--

