

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7657 of 2018

Arising Out of PS. Case No.-22 Year-2010 Thana- VIGILANCE District- Patna

Somendra Baksi, S/o Late Rishi Pad Baksi, Directoe (retired) Purchase, store and Material Management, Water Resources, Govt. of Bihar, at present residing at 301, Shyama Shashwatam Apartment, Ara garden road, Jagdeopath, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar

For the Opposite Party/s : Mr. Ramakant Sharma(L.O.,INC.,Vigilance)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 28-03-2018 Heard learned counsel for the petitioner, learned counsel for Vigilance and the State.

The petitioner apprehends arrest in Special Case No. 17 of 2010, arising out of Vigilance P.S. Case No. 22 of 2010 instituted for the offence under Sections 13(2), 13(1)(C) and (d) of the Prevention of Corruption Act, 1988 and 4,8,12 of Bihar Prevention of Special Corrupt Practices Act, 1983.

Case has been registered on the basis of inquiry report of Senior Superintendent of Police-cum-Inquiry Officer Vigilance Investigation Bureau, Patna, alleging that during course of inquiry, it was revealed that Water Resource Department, Patna invited an emergency tender no. 02/2008-09 dated 29.12.2008 for supply of five articles along with 321003 Nylon crates in



which seven bidders submitted their tenders. The Director, purchase of the said department prepared a composite chart of the technical bid in respect of seven bids and presented the same before purchase committee on 29.01.2009. The purchase committee declared all the seven bidders competent and their financial bids were also opened and competitive charts of bidders was prepared, out of which M/s J.R. Enterprises, Sitamarhi and M/s Sale Point, Patna were declared F-1, whereas, M/s Sona Injicon Pvt. Ltd., Gopalganj was declared F-2. Accordingly, in the meeting dated 04.2.2009, the Central Purchase Committee allotted the supply work to the aforesaid two F-1 companies for supply of the nylon crates who quoted minimum rates of Rs. 32.25 per crate. It is further alleged that it was decided by the Purchase Committee that before issuance of the work order, present status of the industries who have placed work order shall be ascertained. During verification it was found that M/s J.R. Enterprises was a non-existent company on 04.02.2009. The verification in respect of M/s Sale Point, Patna was to be done. But inspite of the aforesaid fact, the work order was placed to the aforesaid companies, on the basis of the fact that they were registered with the said department.

Learned counsel for the petitioner has submitted that



meeting of Central Purchase Committee was held on 06.02.2009. Thereafter, tender has been allotted to lowest bidder namely M/s. Sale Point, Urantoda, Danapur, Patna and J.R. Enterprises, Sitamarhi. Thereafter, accused Ram Ayodhya Sharma, Proprietor of M/s Patliputra Construction filed a writ application vide CWJC No. 2574 of 2009 for quashing of tender dated 04.02.2009, which was heard and disposed of by order dated 15.05.2009.

Learned counsel for the petitioner has submitted that there is no allegation against this petitioner that he has misappropriated the Government money, or made demand of illegal gratification or accepted any gratification.

Counsel for the petitioner has submitted that other co-accused Ram Ayodhya Sharma has already been granted anticipatory bail by this Court vide order dated 12.01.2018 passed in Cr. Misc. No. 52589 of 2017.

Learned counsel for the Vigilance has appeared and opposed the prayer for bail.

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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Special Case No. 17 of 2010, arising out of Vigilance P.S. Case No. 22 of 2010, to the satisfaction of the learned Special Judge, Vigilance 1st, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C. with further conditions (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 bonds of the petitioner and (3) if the 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)

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