

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16611 of 2018

Arising Out of PS. Case No.-78 Year-2014 Thana- VIGILANCE District- Patna

Om Prakash Pandey son of Late Lakshman Pandey resident of Mohalla -
Vachaspati Nagar, P.O. Mahendru, P.S. - Bahadurpur, District - Patna,
proprietor of M/s Balajee Enterprises, Vachaspati Nagar, P.O. - Mahendru,
P.S. - Bahadurpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Department.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj

For the Opposite Party/s : Mr. Rama Kant Sharma(L.O, I/C Vig.)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

10 07-08-2018 Heard learned counsel for the petitioner and learned
counsel for the Vigilance.

Petitioner apprehends his arrest in Special case no. 74 of
2014 arising out of Vigilance P.S. case no. 78 of 2014 instituted
for the offence under Section(s) 13(2) read with
Section 13(1) (c)(d) of the Prevention of Corruption Act, 1988
and Sections 409, 420,467,468, 471,474,201/120B of the Indian
Penal Code.

Learned counsel for the petitioner has submitted that that
petitioner has supplied the articles as per the terms and
conditions stipulated in the tender. He has further submitted that
all the other accused persons have already been granted
anticipatory bail by a co-ordinate Bench of this Court vide order



dated. 30.8.2016 passed in Cr. Misc. nos. 33804 of 2015 and its analogous cases (Annexure17 to the bail petition). Learned counsel for the petitioner has further submitted that petitioner is the proprietor of M/s Balajee Enterprises and is carrying on the business for appropriately 14 years now with all sense of responsibility, fairness and due diligence. He is registered under the Drugs and Cosmetic Rules, 1945 besides being registered under the Bihar Value Added Tax Act (at present under the goods and Service Tax Act) and has acquired a reputation and name in his business line because of his fair conduct.

Learned counsel for the Vigilance has appeared and opposed the prayer for the bail. He has submitted that during investigation it has come that several irregularities have been found in purchase of the articles.

Learned counsel for the petitioner has submitted that all the articles were purchased after being properly verified by the purchase committee and the terms and conditions were totally defined in the tender and there is no any irregularity committed by this petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six



weeks from today in connection with Special case no. 74 of 2014 arising out of Vigilance P.S. case no. 78 of 2014, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Vigilance-I, Patna, subject to the conditions as laid down under Section 438(2) 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 reason will automatically cancel bail bond of the petitioner 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.

(Sanjay Priya, J)

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