

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37235 of 2018

Arising Out of PS. Case No.-1 Year-2015 Thana- Economic Offences, Bihar District- Patna

Md. Mozib Alam S/o Razi Ahmad, R/o Mohalla- Magala Khar, P.S.-
Bundelkhand, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Economic Offence Unit Bihar, Patna through its I.G.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar, Adv.
For the EOU	:	Mr. Akhileshwar Pd., Sr. Adv.
		Mr. Vijay Anand, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

20 04-07-2018

Heard learned counsel for the petitioner and
learned counsel for the State.

In this case, the petitioner is apprehending his
arrest in connection with Economic Offences P.S. Case No. 01
of 2015 registered for offences under sections 420, 467, 468,
471, 409, 120(B) of the Indian Penal Code and Section 18(1)
(C)/81(2)/81(4) of the Bihar Value Added Tax Act, 2005.

An allegation has been made that the petitioner and
other businessmen had purchased the coal from the Tata Steel
Ltd. (Coal Division), Ghato Tand, Ramgarh, Ramgarh and they
have paid the tax bill amount of coal purchased by them. As per
First Information Report, price of the coal was Rs.
30,18,846.90/- and, out of that, the value has been shown Rs.



17,48,54,885.20/- and in this transaction, total 714 trucks were involved. As per allegation, the petitioner and his associates are liable to pay the tax of Rs. 80,91,648/- and, thereby, causing loss of revenue.

Learned counsel for the petitioner submits that the petitioner is ready to pay the admitted dues whatever comes to his head and has placed reliance on the order of this Court dated 18.6.2018 passed in Cr. Misc. No. 27371 of 2018.

Looking to the entire facts and circumstances of the case, let the petitioner, namely, Md. Mozib Alam, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna in connection with Economic Offences P.S. Case No. 01 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

Let the petitioner should appear before the Tax



Authority who will calculate the amount and will raise the bill of his share and that will be paid by the petitioner within a period of six months from the date of raising of the bill by the Tax Authority. If any amount paid by the petitioner is found to be extra payment, that will either be returned to the petitioner or will be adjusted in future transaction.

It is made clear that the present anticipatory bail has been granted to the petitioner subject to a condition that the petitioner will deposit the amount of tax proportionate to his share within a period of six months from the date of raising of the bill as aforesaid, in failure, the anticipatory bail granted to the petitioner will be deemed to have been canceled.

(Shivaji Pandey, J)

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