

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21140 of 2019

Arising Out of PS. Case No.-240 Year-2018 Thana- GHORASAHAN District- East
Champaran

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ARUN KUMAR SINGH, Son of Shiv Shankar Singh, Resident of Village -
Sripur, P.S.- Ghorasahan, Distt - East Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. The Union of India through the Asst. Commissioner, Customs, East
Champaran at Motihari. Government of India.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Sangeet Deokuliar, Advocate
For the Opposite Party/s	:	Mr.Bharat Bhushan, APP
For Union of India	:	Mr. Manoj Kr. Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 03-07-2019 Petitioner seeks bail in anticipation of his arrest in

connection with Ghorasahan P.S.Case No. 240 of 2018

registered for the offences under Sections 420 and 406 of the

Indian Penal Code.

Allegation against the petitioner is that he has been

handed over the seized articles of customs worth Rs.15,15,175/-

and petitioner has misappropriated the same and the accused

persons were directed vide different letters to settle the matter

but they have not complied the order.

Submission of learned counsel for the petitioner is

that he has already returned the articles to the Customs

Department, which will appear from Annexure-3 and the same



has been received by the Inspector, Customs and as such he has falsely been implicated in this case and he has no liability.

On the other hand, learned Central Government Counsel has appeared and filed a counter affidavit in this case stating that the claim of the petitioner that he has returned the articles has been verified by the Customs Department and in view of report submitted by Superintendent of Customs (P) Circle, Ghorasahan a letter dated 23.4.2019 was forwarded to verify the genuineness as well as authenticity of the signature made on the Panchnama from Sri P.K. Sandilya, who was posted as an Inspector, Customs (P) Circle, Ghorasahan as on 22.5.2013 and on reply to the said letter it is said that the signature made on the Panchnama was not made by him and also provided his specimen signature in English and Hindi and on the basis of which it was found that the Panchnama was not genuine and further Superintendent of Customs (P) Circle, Ghorasahan vide letter dated 24.4.2019 informed that on verification of the records available in his office, the signature made on the said Panchnama is of Shri Y. Napit, posted as an Inspector during the period 2010-2011 at Customs Circle, Ghorasahan and was retired from service in the year 2011 and submitted that the signature available on the said Panchnama



has been made on 22.5.2013 and it appears that the signature made on the said Panchnama is either fake or not genuine.

In view of above facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner. However, if the petitioner desires to return the amount of the same value, the court below shall consider the same while passing the order on bail petition.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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