

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51898 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- VIGILANCE District- Patna

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AJAY KUMAR, aged about 42 years, Male, S/o Ramanand Sharma, R/o Village- Belkunda Suratpur, P.S.- Mahua, Distt.- Vaishali.

... .. Petitioner

Versus

The State of Bihar through Vigilance

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ramakant Sharma, Senior Advocate and Mr. Hemant Kumar, Advocate.
For the Opposite Party : Mr. Ajay Mishra, A/C to Vigilance, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 26-09-2019 Heard learned senior counsel for the petitioner and learned counsel for the Vigilance.

The petitioner seeks bail in a case for the offence registered under Section 7(a) of the P.C. Act, 1988 (Amended 2018)

The prosecution story, in brief, is that the complainant, namely, Mustafa Hussain, who is Managing Director of Brand Protection Co. Pvt. Ltd., which is registered with the Government of India and the company of the complainant is authorized to conduct raid and search in order to safeguard the interest of big brand companies from spurious products. The said company earlier conducted so many raid taking support of the police and lodged cases against the



duplicators. One of the staff of the company, namely, Dinesh Kumar lodged Malsalami P.S. Case No. 163/2019 on 16.04.2019 under Sections 420 of the IPC and 63 of the Copy Right Act and this complainant lodge Jakkanpur P.S. Case No. 99/2019 on 22.02.2019 under the same Sections. On 08.05.2019 at about 3.00 P.M., the Reader of Sri Rajendra Kumar Bheel, S.P. East, made phone call from his Mobile Nos. 9430257545 and 7717787678 on Mobile Nos. 7303477739 and 7765952883 and called him near Mona Cinema and told the informant that he had talk with S.P. and if he wants that the aforesaid two cases are to be supervised as true then he will have to pay Rs. 50,000/- per case amounting to Rs. 1,00,000/- and also to gift one Nike Shoe for S.P. and one Reebok Shoe for him. After receiving the complaint petition of the complainant, the S.H.O. of Vigilance P.S. entrusted the same to Sri Mohan Kumar Pandey, Constable of Vigilance to verify the allegation and submit his report. In the light of aforesaid order, the verifier made verification of allegation levelled against the accused on 08.05.2019 and met with the accused at Gate No. 10 of Gandhi Maidan where the accused made demand of Rs. 1,00,000/- from the complainant in presence of this verifier for getting favourable supervision order from S.P. and Dy. S.P. Accordingly, the verifier submitted his



verification report before the S.H.O. Vigilance on 14.05.2019. Accordingly, a trap team was constituted under leadership of Sri Vimlendu Kumar Verma, Dy. S.P., Vigilance, and a pre-trap memorandum was prepared on 14.05.2019 in presence of the members of the trap team and complainant observing the formalities of administering the phenolphthalein powder on the G.C. notes to be given as bribe to the accused and reaction of phenolphthalein powder with sodium carbonate. On 14.05.2019 itself trap was conducted by the trap team at Sudha Booth situated at North Eastern point of Gandhi Maidan and the accused was caught red handed by the trap team while receiving bribe money of Rs. 1,00,000/- from the complainant and the bribe money was recovered from the hands of the accused, thereafter, both the hands of the accused was dipped into the solution of sodium carbonate and the colour of the same turned pink confirming the allegation against the accused petitioner as true. Accordingly, post trap memorandum was prepared and the accused was arrested and forwarded in this case.

It has been submitted by learned senior counsel for the petitioner that the petitioner is languishing in custody since 16.05.2019. The petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case.



Charge sheet/prosecution report has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is a Reader in the office of the City S.P. (East), Patna. The procedure of trap was not followed and for oblique reason, the petitioner was apprehended and made accused in the present case. It is further submitted that the petitioner is ready to deposit an amount of Rs. 1,00,000/- (Rupees One Lac) only in the learned court below which shall be subject to final disposal of the case.

On behalf of the Vigilance, it is submitted that the petitioner is named in the F.I.R/complaint case and Rs. 1,00,000/-(Rupees One Lac) only was allegedly recovered from possession of the petitioner in a trap case.

Considering the aforesaid facts and circumstances, the petitioner is directed to deposit an amount of Rs. 1,00,000/- (Rupees One Lac) only in the learned court below which shall be subject to final disposal of the case. On doing so, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, Patna, in connection with Special Case No. 20 of 2019, arising out of Vigilance P.S. Case No. 20 of 2019.



The petitioner shall co-operate in trial. If the prosecution feels that the petitioner is not co-operating, the prosecution will be at liberty to file an application for cancellation of bail of the petitioner.

(Sudhir Singh, J)

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