IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57894 of 2019

Arising Out of PS. Case No.-87 Year-2018 Thana- CIVIL LINE District- Gaya

==

MOTI RAM PATWA @ MOTI LAL @ MOTI LAL PATWA Son of Late Hulash Ram Patwa, Resident of Manpur Patwa Toli, Semraj Park, Police Station-Buniyadganj, District-Gaya (Bihar).

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr.Adv.
Mr.Saket Gupta, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

==

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 04-12-2019 Heard both sides.

Petitioner seeks bail in Civil Lines P.S. Case No.87 of 2018 registered under Sections 419, 420, 120B and 34 of the IPC.

The informant disclosed that he is a proprietor of Namrata Traders, Gaya and deals in refine, mustard oil, banaspati and sugar. On 14.11.2016 Motilal Patwa (a trader of Manpur) came to his shop and intended to purchase mustard oil from his shop. Since the informant was not on a trading term with the petitioner, the informant refused to sell mustard oil to the petitioner on credit. The petitioner came with Dhiraj Jain, who became guarantor for payment of money and he requested to sell mustard oil to the petitioner after issuing receipts/bills in the name of others. The informant from 15.11.2016 to 22.11.2016 issued receipts/bills in the name of Rubi Kumari, Rajesh Kumar and Shiva Agro Enterprises and sold mustard oil. Motilal Patwa lifted mustard oil from his shop. The informant received two cheques of Rs.10 lacs each from Rubi Kumari, Rajesh Kumar and one cheque from Shiva Agro Enterprises worth Rs.5 lacs in his account of HDFC. Later on, the E.D. Officials enquired from the informant and the informant came to know that it was Motilal Patwa (petitioner), who had purchased mustard oil in the names of different persons and made payment to the informant through fake persons in order to make black money into white money.

Learned counsel for the petitioner submits that the informant sold mustard oil in the names of Rubi Kumari, Rajesh Kumar and Shiva Agro Enterprises, who sent cheques in the account of the informant. No fraud is played upon the informant. The informant received the entire money and the price of mustard oil sold to different persons. It is further submitted that two more cases were registered against the petitioner in which the petitioner has been granted interim bail by the Hon’ble Supreme Court. Thereafter a case was lodged against the petitioner in different sections of the Prevention of

Money Laundering Act and the petitioner is in jail in that case also, but in the present case, there is no fault on the part of the petitioner and the petitioner is in jail since 22.05.2019.

Having considered the fact that of course the petitioner purchased mustard oil from the informant but the informant himself sold mustard oil in the names of different persons and issued bills in their names and they paid the price of mustard oil through cheques in the account of the informant and for the offence under the Prevention of Money Laundering Act, a separate case is lodged in which the petitioner is in jail, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Gaya in connection with Civil Lines P.S. Case No.87 of 2018.

(Prabhat Kumar Jha, J)

Harish/-

U		T	