

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 15748 of 2020

Arising Out of PS. Case No.-53 Year-2018 Thana- CHAKAND District- Gaya

PAWAN KUMAR Son of Anil Paswan Resident of Village-Mahesi, P.S.-
Sultanganj, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General, Vigilance Investigation Bureau, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Ramakant Sharma, Sr Advocate
For the Vigilance	:	Ms Archana Palkar Khopde, Advocate
For the S t a t e	:	Ms Meena Singh, APPS

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-05-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide lock down on account of the COVID 19 Pandemic.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard Mr Ramakant Sharma, learned senior counsel for the petitioner, Ms Archana Palkar Khopde, learned counsel for the Vigilance as well as Ms Meena Singh, learned APP for the State.

Petitioner seeks bail in Special Case No 29A of 2018



arising out of Chakand Police Station (for brevity, *PS*) Case No 53 of 2018 dated 19.05.2018 instituted for the offence punishable under Sections 217, 212, 222, 120B of Indian Penal Code, Section 51 of Bihar Prohibition and Excise Act and Sections 7/8, 13 (7) read with Section 13 (1) (d) of Prevention of Corruption Act.

At the very outset, the Court would take note of the fact that the petitioner's bail application has earlier been rejected twice, on 17.12.2018 and 28.08.2019 vide Cr Misc No 68030 of 2018 and Cr Misc No 45100 of 2019 respectively.

On 19.05.2018, it is alleged by the Circle Inspector of Chandauli Area of Gaya District that the petitioner, being a Sub Inspector, was found possessing an amount of Rs 1,37,200/- which was in various denominations concealed in his bed at his official residence. The petitioner is said to have fled away and subsequently, he was arrested on 12.07.2018, nearly two months thereafter.

It is admitted by the petitioner's learned senior counsel that it is a case of false implication. The allegation of the prosecution is that altogether four persons were apprehended with illicit liquor. Out of the four apprehended persons, two persons were allowed to flee away with the liquor by the



petitioner who was the Sub Inspector. It is submitted by the petitioner's learned senior counsel that falsity of the allegation is evident from the fact that even the identity of the two persons, whom the petitioner has allowed to flee away, is nowhere on record. Further submission is that, admittedly, the petitioner was not apprehended on 19.05.2018. False story has been made out in the first information report that on the pretext of attending call of nature, the petitioner has fled away on that day.

Under these circumstances, when the petitioner's prayer for bail was last rejected, this Court has directed that the charges be framed and trial be expedited.

Petitioner's specific assertion is that the charges were framed on 21.09.2019. However, till date, there is no progress in the trial.

The learned counsel for the Department of Vigilance submits that there is recovery of Rs 1,37,200/- from the bed of the petitioner from his official residence. The petitioner has allowed two persons, who were indulging in illicit trade of liquor, to go scot free by taking the said amount as bribe. In the circumstances, petitioner is not entitled to grant of privilege of bail.

Learned APP for the State has also opposed the prayer



for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, abovenamed, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance I, Patna in Special Case No 29A of 2018 arising out of Chakand PS Case No 53 of 2018 dated 19.05.2018 subject to the following conditions -

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the Nationwide lock down due to COVID 19 Pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bonds to the satisfaction of the Court



concerned.

The petitioner must comply with the requirements of furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner will be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the Court of Special Judge, Vigilance I, Patna and the competent authority of the State in terms of Clause (3) i of Notice II published in the cause list uploaded on the Website of this Court.

(Madhuresh Prasad, J)

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