

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9891 of 2023

Arising Out of PS. Case No.-10 Year-2022 Thana- C.B.I CASE District- Patna

SADRE ALAM Son of Late Sirajuddin Ansari Chief General Manager and Regional Officer (NHAI) at Regional Office Shiv Mitra Apartment, 1st Floor Vivekanand Marg, Boring Road Patna, P/A Flat No. 505 and 506 Sukhmani Height, Prahalad Enclave, Near Science Centre, Tagore Hill Road, Morabadi, District- Ranchi, Jharkhand, At present Flat No. 107, 1st Floor Tauheed Complex, Ashiyana Digha Road, P.S.- Rajeev Nagar District- Patna, Bihar

... .. Petitioner/s

Versus

Department of Central Bureau of Investigation/ACB, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjiv Sharan, Advocate
For the C.B.I.	:	Mr. Avanish Kumar Singh, S.P.P., C.B.I.
		Mr. Ambar Narayan and
		Ms. Barkha, Advocates

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

10 19-09-2023 Heard learned counsel for the petitioner and learned
S.P.P. for the C.B.I.

2. The petitioner has prayed for bail in a case instituted for the offence under Section 120(B) of the Indian Penal Code and Sections 7 and 8 of the P.C. Act, 1988 (as amended in 2018) and Section 120(B) of the IPC.

3. The prosecution case, in brief, is that the information received from reliable source reveals corrupt and illegal activities of the petitioner namely, Sadre Alam, Chief General Manager



(CGM) and Regional officer, NHAI, Regional office Patna and co-accused Prabhanshu Shekhar, Deputy General Manager and project Director, NHAI, Project implementation Unit, Patna while acting in collusion with S.Rajbhar, General Manager M/S Ashoka Buildcon Ltd. Engaged in road construction and other allied activities with respect to the ongoing works awarded to them by NHAI in lieu of obtaining undue advantage from the company. It is further alleged that both the accused persons in connivance with the official of M/S Ashoka Buildcon were indulged in clearing inflated bills, manipulation of Measurement Books and turning a blind eye to the usage of cheap quality construction materials by the company causing heavy wrongful gain to themselves and the company and heavy wrongful loss to the government exchequer. On 28.07.2022 both the accused persons asked from S. Rajbhar about his ill health and co-accused Prabhanshu Shekhar gave instruction to meet R.O. along with bribe money as soon as he recovered upon which he assured to meet with them immediately after his recovery. On 05.08.2022 he informed Sri Amit Kumar Gupta of M/S Ashoka Buildcon Ltd. That out of total pending dues bribe money of rupees fifteen lacs, rupees ten lacs had to be paid to the petitioner for passing the bills. Accordingly, on 11.08.2022 bribe money of rupees ten lacs was handed over to the petitioner at his residence in Patna by Shri Jitendra Kumar, an employee of the



said company.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that petitioner has no role either in passing the bills of contractor or checking the measurement book. Rather his work is to supervise the constructions work. There is no complaint regarding the Sub standard construction by any agency before this occurrence. He further submitted that as per prosecution demand and acceptance of illegal gratification is lacking, motive has not been disclosed or established and there is no one who could say that the G.C. notes were kept in the Almirah of petitioner is the money obtained in bribe. Only recovery of money from the residence of petitioner cannot be equalized with bribe case. Petitioner is languishing in judicial custody since 24.09.2022.

5. Learned S.P.P. for the C.B.I. has opposed the application for bail and submitted that the petitioner is named in the FIR and charge-sheet has already been submitted against him. He submitted that on the basis of phone surveillance, on dated 23.09.2022 accused petitioner Sadre Alam, the then CGM, NHAI, Regional Office, Patna was caught red-handed when he took a bribe amount of Rupees five lacs from accused Amit Kumar Gupta, the C.A. of M/S Ashoka Buildcon Ltd. At his residence



which is evident from charge-sheet. Thereafter, search was made in the house of the petitioner from where on disclosure of the petitioner one yellow coloured packet containing Rupees five lacs was recovered from the almirah of his bed room. From the said almirah huge amount of Rs. 62, 93, 450/- were also recovered for which he could not explain the presence of such huge amount in cash in his house. Four numbers of electronic gadgets were also recovered from his house. Gold and silver ornaments weighing 619.900 grams valued at Rs. 29,01,132/-, weighing 1499 grams valued at Rs. 85,443 respectively and also cash amount of Rs. 8, 07, 800/- were recovered from the house of the petitioner at Ranchi and he could not explain the presence of such huge amount in cash in his house. Thus, complicity of the petitioner in this serious crime cannot be brushed aside. He further submitted that the petitioner and co-accused persons in connivance with officials of M/S Ashoka Buildcon Ltd. Thus, the petitioner being a public servant has misused his official capacity hatching criminal conspiracy with co-accused persons being public servants and private parties by obtaining bribe money for passing bills of inflated money in lieu of sub-standard work of M/S Ashoka Buildcon Ltd. Moreover, during investigation several witnesses have also supported the prosecution case.

6. Having heard the learned counsel for the parties and



considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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