IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68322 of 2023

Arising Out of PS. Case No.-19 Year-2019 Thana- GAUTAMBUDHNAGAR District- Siwan

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Tah Hasan Abdi @ Syed Taha Hasan @ Taha Hasan, Son of S.H. Abdi Resident of Flat No.504, Sangita Apartment, 14/59, Civil Lines, Gwaltoli, Kanpur, Kanpur Nagar, Uttar Pradesh - 208001

... ... Petitioner

Versus

The State of Bihar

... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sumit Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with G.B. Nagar P.S. Case No. 19 of 2019 registered for the offences punishable under Sections 409, 420, 34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, the informant alleged that the capital subsidy of Rs.50 lakhs was received by the petitioner's firm as first subsidy for establishing a food processing unit but the said unit was found traceless during site inspection. In this way, Government funds have been embezzled.

4. Learned counsel for the petitioner submits that the petitioner is one of the partners of M/s Al Kareem Agro Industries. The said firm planned to invest approximately Rs. 50 Crores in the State of Bihar by way of establishing a food processing unit at district Siwan under the "Scheme for Integrated Development of Food Processing Sector" under the Bihar Industrial Incentive Policy, 2011.

5. Learned counsel submits that after approval of the project, the firm of the petitioner was granted a subsidy for the food processing unit in the meeting of the Project Approval and Monitoring Committee held on 04.06.2014 and thereafter a sum of Rs.50 lakhs has been transferred by way of first installment of the approved grant in the no-lien account of the petitioner's firm.

6. Learned counsel for the petitioner submits that at this stage, the allegation that the petitioner's firm is traceless and that the unit never came into existence is not correct. Much emphasis has been given on the submission that the money was used to be transferred to the suppliers from the designated no-lien account through cheque(s) which were being signed by both the respondent-department and the firm, therefore, it cannot be said that the promoter firm has committed fraud with the respondent-department.

7. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that the petitioner obtained the grant amount of Rs.50 lakhs as first installment and embezzled the same.

8. Having regard to the facts and circumstances of the case, there being a specific case of the informant General Manager of the District Industrial Centre, Siwan that in course of inspection of the spot, it was found that there was no unit existing at the spot and that the petitioner's firm has received Rs.50 lakhs as first installment of capital subsidy, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

9. The submission of learned counsel for the petitioner that the cheques were issued to the suppliers from the no-lien account bearing signature from both the sides i.e. respondent-department and the firm and that a certificate case has been initiated simultaneously would not appeal to this Court. Under what circumstances, the cheques were issued from the no-lien account and who are responsible for issuance of the cheques, whether from the department or from the firm and the petitioner would be a matter of investigation and this Court would not make any comment on this at this stage.

10. The prayer for anticipatory bail of the petitioner is, thus, rejected.

11. This application stands dismissed.

(Rajeev Ranjan Prasad, J)

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