



2025:AHC-LKO:86521

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2046 of 2025**

Anuj Kumar Nishad

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Varun Chandra, Awdhesh Kumar
Kumar Singh Suryavanshi, Vivek
Verma

Counsel for Opposite Party(s) : G.A.

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

The present anticipatory bail application has been filed seeking anticipatory bail in Case Crime No. 660 of 2025, Under Sections: 59, 61(2), 316(5), 318, 303(2), and 317(2) BNS and Sections 7 and 12 of Prevention of Corruption Act 1988, Police Station: MANDIYAON, District: LUCKNOW NORTH, (COMMISSIONERATE LUCKNOW).

Heard learned counsel the applicant and Shri Alok Tewari, learned A.G.A. for the State.

In the prosecution case, it is alleged that a racket was being operated for facilitating the passage of overloaded trucks transporting sand and gravel without valid permits, causing loss to the State Exchequer. Several articles, including mobile phones and notebooks containing vehicle details, were recovered from the apprehended persons. On 11.11.2025, Abhinav Pandey was apprehended, who allegedly confessed to coordinating the illegal passage of overloaded vehicles in connivance with certain RTO/PTO officials and their subordinate staff, after collecting illegal gratification from truck owners and drivers. Acting on his disclosure, an overloaded truck was intercepted, and the driver stated that payments had already been made to transport officials through Abhinav Pandey. The FIR further alleges that bribes were paid to subordinate transport staff to ensure unchecked movement of overloaded vehicles.

Learned counsel for the applicant submits that the applicant is posted as an Enforcement Supervisor under ARTO Rajiv Bansal and is also a member of the flying squad team. It is contended that during the seizure or challan of any vehicle, the applicant's name is recorded only as a witness to such seizure or challan and not as the signatory or competent authority. The applicant discharges his duties strictly in accordance with the directions issued by the co-accused Rajiv Bansal and has no independent authority to check or seize any vehicle without the permission of the ARTO.

It is further submitted that the applicant's mobile number is not linked with the alleged offence. The applicant neither knows the co-accused Abhinav Pandey nor has he ever met him. There is no incriminating material or evidence against the applicant. At the time of arrest of the co-accused persons, namely Abhinav Pandey and Kapil, the applicant was not present at the spot.

The applicant has been in government service since the year 2000 and was transferred to the RTO Office, Transport Nagar, Lucknow, in February 2024. No complaint has ever been made against the applicant during his entire service career. There is no specific allegation attributed to the applicant. It is categorically denied that the applicant either demanded or accepted any undue advantage from the co-accused Abhinav Pandey for permitting the passage of overloaded vehicles carrying gravel or sand. The applicant is innocent and has not criminal antecedents.

Learned counsel for the applicant further submits that if the accused is granted anticipatory bail, he undertakes to comply with all conditions imposed by the Court. He shall fully cooperate with the investigation and shall not misuse the liberty granted to him.

Per contra, Shri Alok Tewari, learned AGA, has opposed the anticipatory bail application, submitting that a well-organised network of officers of the Transport Department, including the present applicant, is involved in the commission of the offence. It is alleged that the applicant is in collusion with local brokers and the syndicate operates throughout the State, facilitating the passage of overloaded trucks carrying gravel and sand by evading statutory penalties in lieu of illegal gratification ranging from Rs. 5,000/- to Rs. 6,000/- per truck, as disclosed in the statements of the co-accused. Such acts

have resulted in substantial loss of revenue to the State Government and constitute the offences mentioned in the FIR.

It has further been submitted that the independent witness, Ashutosh Dubey, has specifically alleged the complicity of the accused persons. During the course of arguments, the learned AGA placed reliance upon extracts of photocopies of the case diary in support of his submissions.

Upon perusal of the record and the extract of case diary placed by the learned AGA, it prima facie emerges that in the present case the complainant seized a truck bearing registration No. UP78TD7880. From the said truck, the named accused Kapil produced a weighbridge slip reflecting a gross weight of 44,370 kg. However, subsequent to the arrest and recovery, the overloaded morang truck was re-weighed at a weighbridge, where its weight was found to be 66,340 kg. Thus, prima facie, it is alleged that overloaded trucks were being cleared pursuant to a criminal conspiracy by deliberately showing lesser weight, thereby causing loss to the State revenue. The independent witness Ashutosh Dubey, in his statement, has duly corroborated the prosecution version. From the co-accused Abhinav Pandey, a mobile phone was recovered and three copies of screenshots of chat conversations were seized, which reveal facts relating to the plying of overloaded vehicles. These chats have been sent to the Forensic Science Laboratory for examination.

The co-accused Rajiv Kumar Bansal was found to had have a telephonic conversion with another co-accused Manoj Kumar Bhardwaj on 211 occasions between 15.06.2025 to 12.11.2025. Co-accused Manoj Kumar Bhardwal was also in conversion with applicant-accused Anuj Kumar (subordinate Diwan of Rajiv Kumar Bansal) on 292 occasions, while telephonic conversations between the co-accused Manoj Kumar Bhardwaj and co-accused Girijesh (subordinate of the co-accused Manoj Kumar Bhardwal) took place on 289 occasions. It further shows that co-accused Ritesh Kumar Pandey @ Shanu was also in conversation with the applicant Anuj Kumar Nishad. Co-accused Girijesh was found to be in active communication with co-accused Abhinav Pandey, Vinod Kumar Yadav, Ritesh Kumar Pandey @ Shanu, Manoj Bhardwaj, and the applicant Anuj Kumar Nishad.

While rejecting the anticipatory bail application of the applicant, the learned trial court observed as under:

"6. प्रस्तुत मामले में उत्तर प्रदेश एस० टी० एफ० को यह सूचना प्राप्त होने पर कि उत्तर प्रदेश की विभिन्न जनपदों में परिवहन विभाग के अधिकारियों की मिली भगत से ओवरलोड वाहनों से मोरंग व गिट्टी आदि का परिवहन कराकर सरकार को राजस्व की क्षति पहुंचायी जा रही है, के आधार पर एस० टी० एफ० की टीम द्वारा दिनांक 11.11.2025 को खदरी मोड से सीतापुर की ओर जाते हुए ब्रेजा गाड़ी नं० यू० पी० 32 एम० क्यू० 3139 के वाहन चालक अभिनय पांडे को पकड़ा गया जिसने पूछताछ में यह बताया कि वह उसका सगा भाई रितेश कुमार आर० टी० ओ० व पी० टी० ओ० अधिकारी व उनके अधीनस्थों से मिली भगत कर विभिन्न ट्रांसपोर्टों व डम्पर मालिकों से संपर्क कर गिट्टी व मोरंग की ओवरलोड परिवहन कराकर धनार्जन करते हैं। जिसमें प्रति ट्रक पांच से छः हजार रुपये प्रति ट्रक उन अधिकारियों का पहुंचा देते हैं तथा सात हजार रुपये प्रति ट्रक मालिकों व ट्रांसपोर्टों से लेते हैं। उसने यह भी बताया कि इसी क्रम में आज रात में गाड़ी नं० यू० पी० 78 डी० टी० 7880 ओवरलोड मोरंग लेकर आई० आई० एम० तिराहे के पास आने वाला है। उक्त सूचना के आधार पर आई० आई० एम० तिराहे के पास रात एक बजे उपरोक्त ट्रक ओवरलोडिंग सहित उसके चालक कपिल पुत्र पन्ना लाल के साथ पकड़ा गया। ट्रक चालक ने पूछताछ में बताया कि उसका ओवरलोडेड वाहन हमीरपुर की खदान से उत्तर प्रदेश के विभिन्न जनपदों में चलता है तथा टक्के मालिकों ने उसे बताया है कि उसने हमीरपुर से लखनऊ पूर्वांचल तक आर० टी० ओ० विभाग के कर्मचारियों व अधिकारियों को दलालों के माध्यम से पैसे देकर सैट कर रखा है। आज रास्ते में भी उसको कई अधिकारी मिले लेकिन पूर्व में सेटिंग होने के कारण किसी ने उसे रास्ते में पकड़ा नहीं।

7. अभियुक्त अभिनव पांडे ने पूछताछ में यह भी बताया कि वह वर्तमान में लखनऊ जनपद में ओवरलोडेड वाहन चलाने के लिये पूर्व में आर० टी० ओ० के निजी ड्राइवर रहे विनोद यादव व ए० आर० टी० ओ० लखनऊ राजू बंसल के अधीनस्थ दीवान अनुज पी० टी० ओ० लखनऊ श्री मनोज भारद्वाज के अधीनस्थ श्री बृजेश, को ट्रक / डम्पर्स की सूची व प्रति ट्रक 5500 रुपये प्रतिमाह देकर ओवरलोड वाहनों को लखनऊ में बेरोकटोक चलाते हैं तथा अन्य जनपदों में भी इसी तरह के प्राइवेट लोग रिश्तत देकर सैटिंग कर रखे हैं। अभियुक्त अभिनव पांडे के कब्जे से बरामद मोबाइल फोन में वाट्सअप ग्रुप सक्रिय पाया गया जिसमें विभिन्न गाड़ियों के लोकेशन क्रीयरेंस व आडियो व टैस्ट मैसेज सेंड किया गया था तथा उसकी गाड़ी की तलाशी लेने पर गाड़ी में कुछ डायरी व नोटबुक बरामद हुये जिसमें विभिन्न ओवरलोड वाहनों के निर्बाध परिवहन हेतु ली गयी व दी गयी धनराशि का संपूर्ण विवरण अंकित है। जिसे कब्जा पुलिस में लिया गया।

8. प्रस्तुत मामले की प्रथम सूचना रिपोर्ट दिनांक 12.11.2025 को दर्ज की गयी है। जिसकी विवेचना अभी प्रारंभिक स्तर पर है। अभियोजन द्वारा यह बताया गया कि इसी प्रकार की कार्यवाही पूरे उत्तरप्रदेश में एकसाथ की गयी है, जिसमें इस नेटवर्क में शामिल कई व्यक्तियों व ओवरलोडेड गाड़ियों की धरपकड़ विभिन्न जिलों में परिस्थितियों के अवलोकन से स्पष्ट है कि ओवरलोडेड वाहनों के परिवहन का एक व्यापक सिंडिकेट नों में हुई है। प्रथम सूचना रिपोर्ट एवं अन्य व नेटवर्क पूरे उत्तर प्रदेश में संगठित रूप से सक्रिय होकर कार्य कर रहा है जिसमें परिवहन विभाग के अधिकारियों व कर्मचारियों की संलिप्तता दिखायी पड़ती है।

9. विवेचक द्वारा अपने प्रेषित आख्या के पैरा नं० 41 में यह उल्लिखित किया गया है कि आवेदक/अभियुक्त की गिरफ्तारी के प्रयास किये गये हैं, किन्तु वह मिला नहीं तथा घटना के बाद से फरार चल रहा है, जिससे स्पष्ट है कि आवेदक / अभियुक्त द्वारा विवेचना में कोई सहयोग नहीं किया जा रहा है। अतः इस स्तर पर उन्हें जमानत प्रदान की जाती है तो उनके द्वारा विवेचना को प्रभावित किये जाने की पूरी संभावना है। आवेदक / अभियुक्त प्रथम सूचना रिपोर्ट में नामजद अभियुक्त है तथा आर.टी.ओ. कार्यालय, लखनऊ में कार्यरत है। प्रस्तुत मामले की विवेचना अभी प्रारंभिक स्तर पर है। प्रस्तुत अपराध में एक बड़े नेटवर्क / सिंडिकेट के शामिल होने के प्रमाण दिखायी पड़ते हैं,

जिसमें कई सरकारी अधिकारियों/कर्मचारियों के शामिल होने की प्रबल संभावना है।

10. प्रस्तुत मामले में लगाये गये आरोपों की प्रकृति गंभीरता, परिवहन विभाग के अधिकारियों के कर्मचारियों की अपराध में सहभागिता, विवेचना के प्रारंभिक स्तर आदि को दृष्टिगत रखते हुए अभियुक्त को जमानत पर रिहा किये जाने की आधार पर्याप्त नहीं है। अतः आवेदक / अभियुक्त का जमानत प्रार्थनापत्र निरस्त किये जाने योग्य है।

आदेश

प्रार्थी/अभियुक्त अनुज कुमार निषाद का अग्रिम जमानत प्रार्थनापत्र निरस्त किया जाता है।"

The Hon'ble Supreme Court, in *Devinder Kumar Bansal v. State of Punjab*, (2025) 4 SCC 493, has held that actual exchange of bribe is not an essential requirement for prosecuting an accused. The relevant portion of the judgment is extracted hereinbelow:

"13. Actual exchange of a bribe is not an essential requirement to be prosecuted under this law. Further, those public servants, who do not take a bribe directly, but, through middlemen or touts, and those who take valuable things from a person with whom they have or are likely to have official dealings, are also punishable as per Sections 10 and 11 of the 1988 Act, respectively.

17. Section 7 is with regard to a public servant taking gratification other than the legal remuneration in respect of an official act. On the other hand, Section 13 of the 1988 Act is with regard to criminal misconduct by a public servant. A public servant could be said to have committed an offence of criminal misconduct, if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification other than the legal remuneration as a motive or reward such as mentioned in Section 7 of the Act.

18. In State of M.P. v. Ram Kishna Balothia [State of M.P. v. Ram Kishna Balothia, (1995) 3 SCC 221 : 1995 SCC (Cri) 439 : AIR 1995 SC 1198] , this Court considered the nature of the right of anticipatory bail and observed as under : (SCC p. 226, para 7)

"7. ... We find it difficult to accept the contention that Section 438 of the Code of Criminal Procedure is an integral part of Article 21. In the first place, there was no provision similar to Section 438 in the old Criminal Procedure Code. ... Also, anticipatory bail cannot be granted as a matter of right. It is

essentially a statutory right conferred long after the coming into force of the Constitution. It cannot be considered as an essential ingredient of Article 21 of the Constitution. And its non-application to a certain special category of offences cannot be considered as violative of Article 21.”

(emphasis supplied)

19. While deciding the aforesaid case, this Court referred to the 41st Report of the Indian Law Commission dated 24-9-1969 recommending the introduction of a provision for grant of anticipatory bail wherein it has been observed that “power to grant anticipatory bail should be exercised in very exceptional cases”.

20. The learned counsel appearing for the petitioner-accused vehemently advanced the argument on the subject of life and liberty enshrined in Article 21 of the Constitution of India, by placing strong reliance on the observations made by this Court in Siddharam Satlingappa Mhetre v. State of Maharashtra [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514 : AIR 2011 SC 312] and submitted that unless the custodial interrogation is warranted in the facts and circumstances of the case, declining to grant anticipatory bail amounts to denial of the rights conferred upon a citizen/person under Article 21 of the Constitution. We do not find any merit in this contention of the learned counsel.

21. The parameters for grant of anticipatory bail in a serious offence like corruption are required to be satisfied. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has been falsely enroped in the crime or the allegations are politically motivated or are frivolous. So far as the case at hand is concerned, it cannot be said that any exceptional circumstances have been made out by the petitioner-accused for grant of anticipatory bail and there is no frivolity in the prosecution.

22. In the aforesaid context, we may refer to a pronouncement in CBI v. V. Vijay Sai Reddy [CBI v. V. Vijay Sai Reddy, (2013) 7 SCC 452 : (2013) 3 SCC (Cri) 563] , wherein this Court expressed thus : (SCC p. 465, para 34)

“34. While granting bail, the court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the legislature has used the words “reasonable grounds for believing” instead of “the

evidence” which means the court dealing with the grant of bail can only satisfy itself as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.”

(emphasis in original and supplied)

23. The presumption of innocence, by itself, cannot be the sole consideration for grant of anticipatory bail. The presumption of innocence is one of the considerations, which the court should keep in mind while considering the plea for anticipatory bail. The salutary rule is to balance the cause of the accused and the cause of public justice. Over solicitous homage to the accused's liberty can, sometimes, defeat the cause of public justice.

24. If liberty is to be denied to an accused to ensure corruption free society, then the courts should not hesitate in denying such liberty. Where overwhelming considerations in the nature aforesaid require denial of anticipatory bail, it has to be denied. It is altogether a different thing to say that once the investigation is over and charge-sheet is filed, the court may consider to grant regular bail to a public servant accused of indulging in corruption.

25. Avarice is a common frailty of mankind and Robert Walpole's famous pronouncement that all men have their price, notwithstanding the unsavoury cynicism that it suggests, is not very far from truth. As far back as more than two centuries ago, it was Burke who cautioned: “Among a people generally corrupt, liberty cannot last long.” In more recent years, Romain Rolland lamented that France fell because there was corruption without indignation. Corruption has, in it, very dangerous potentialities. Corruption, a word of wide connotation has, in respect of almost all the spheres of our day-to-day life, all the world over, the limited meaning of allowing decisions and actions to be influenced not by the rights or wrongs of a case but by the prospects of monetary gains or other selfish considerations.

26. If even a fraction of what was the vox populi about the magnitude of corruption to be true, then it would not be far removed from the truth, that it is the rampant corruption indulged in with impunity by highly placed persons that has led to economic unrest in this country. If one is asked to name one sole factor that effectively arrested the progress of our society to prosperity, undeniably it is corruption. If the society in a developing country faces a menace greater than even the one from the hired assassins to its law and order, then that is from the corrupt elements at the

higher echelons of the Government and of the political parties.

27. In *Manoj Narula v. Union of India* [*Manoj Narula v. Union of India*, (2014) 9 SCC 1] , this Court held that corruption erodes the fundamental tenets of the rule of law and quoted with approval its judgment in *Niranjan Hemchandra Sashittal v. State of Maharashtra* [*Niranjan Hemchandra Sashittal v. State of Maharashtra*, (2013) 4 SCC 642 : (2013) 2 SCC (Cri) 737 : (2013) 2 SCC (L&S) 187] and held as under : (*Manoj Narula case* [*Manoj Narula v. Union of India*, (2014) 9 SCC 1] , SCC pp. 25-26, para 16)

“16. ... ‘26. It can be stated without any fear of contradiction that corruption is not to be judged by degree, for corruption mothers disorder, destroys societal will to progress, accelerates undeserved ambitions, kills the conscience, jettisons the glory of the institutions, paralyses the economic health of a country, corrodes the sense of civility and mars the marrows of governance.’ (*Niranjan Hemchandra Sashittal case* [*Niranjan Hemchandra Sashittal v. State of Maharashtra*, (2013) 4 SCC 642 : (2013) 2 SCC (Cri) 737 : (2013) 2 SCC (L&S) 187] , SCC pp. 654-55, para 26)”

(emphasis supplied)

28. In *Subramanian Swamy v. Manmohan Singh* [*Subramanian Swamy v. Manmohan Singh*, (2012) 3 SCC 64 : (2012) 1 SCC (Cri) 1041 : (2012) 2 SCC (L&S) 666] , this Court held as under : (SCC p. 100, para 68)

“68. Today, corruption in our country not only poses a grave danger to the concept of constitutional governance, it also threatens the very foundation of Indian democracy and the Rule of Law. The magnitude of corruption in our public life is incompatible with the concept of a socialist, secular democratic republic. It cannot be disputed that where corruption begins all rights end. Corruption devalues human rights, chokes development and undermines justice, liberty, equality, fraternity which are the core values in our preambular vision. Therefore, the duty of the court is that any anti-corruption law has to be interpreted and worked out in such a fashion as to strengthen the fight against corruption.”

(emphasis supplied)

29. In *K.C. Sareen v. CBI* [*K.C. Sareen v. CBI*, (2001) 6 SCC 584 : 2001 SCC (Cri) 1186] , this Court observed thus : (SCC p. 589, para 12)

“12. Corruption by public servants has now reached a monstrous dimension in India. Its tentacles have started grappling even the institutions created for the protection of the republic. Unless those tentacles are intercepted and impeded from gripping the normal and orderly functioning of the public offices, through strong legislative, executive as well as judicial exercises the corrupt public servants could even

paralyse the functioning of such institutions and thereby hinder the democratic polity.”

(emphasis supplied)

30. While approving the judgment of Subramanian Swamy v. CBI [Subramanian Swamy v. CBI, (2014) 8 SCC 682 : (2014) 6 SCC (Cri) 42 : (2014) 3 SCC (L&S) 36] , rendered by another Constitution Bench in Manoj Narula case [Manoj Narula v. Union of India, (2014) 9 SCC 1] , a Constitution Bench of this Court, dealing with rampant corruption, observed as under : (SCC pp. 26-27, paras 17-18)

“17. Recently, in Subramanian Swamy v. CBI [Subramanian Swamy v. CBI, (2014) 8 SCC 682 : (2014) 6 SCC (Cri) 42 : (2014) 3 SCC (L&S) 36] , the Constitution Bench, speaking through R.M. Lodha, C.J., while declaring Section 6-A of the Delhi Special Police Establishment Act, 1946, which was inserted by Act 45 of 2003, as unconstitutional, has opined that : (SCC pp. 725-26, para 59)

‘59. It seems to us that classification which is made in Section 6-A on the basis of status in the government service is not permissible under Article 14 as it defeats the purpose of finding prima facie truth into the allegations of graft, which amount to an offence under the PC Act, 1988. Can there be sound differentiation between corrupt public servants based on their status? Surely not, because irrespective of their status or position, corrupt public servants are corrupters of public power. The corrupt public servants, whether high or low, are birds of the same feather and must be confronted with the process of investigation and inquiry equally. Based on the position or status in service, no distinction can be made between public servants against whom there are allegations amounting to an offence under the PC Act, 1988.’

And thereafter, the larger Bench further said : (SCC p. 726, para 60)

‘60. Corruption is an enemy of the nation and tracking down corrupt public servants and punishing such persons is a necessary mandate of the PC Act, 1988. It is difficult to justify the classification which has been made in Section 6-A because the goal of law in the PC Act, 1988 is to meet corruption cases with a very strong hand and all public servants are warned through such a legislative measure that corrupt public servants have to face very serious consequences.’

And again : (SCC pp. 730-31, paras 71-72)

‘71. Office of public power cannot be the workshop of personal gain. The probity in public life is of great importance. How can two public servants against whom there are allegations of corruption of graft or bribe-taking or criminal misconduct under the PC Act, 1988 can be made to be treated differently because one happens to be a junior officer and the other, a senior decision maker.

72. Corruption is an enemy of nation and tracking down corrupt public servant, howsoever high he may

be, and punishing such person is a necessary mandate under the PC Act, 1988. The status or position of public servant does not qualify such public servant from exemption from equal treatment. The decision-making power does not segregate corrupt officers into two classes as they are common crimedoes and have to be tracked down by the same process of inquiry and investigation.'

18. From the aforesaid authorities, it is clear as noonday that corruption has the potentiality to destroy many a progressive aspect and it has acted as the formidable enemy of the nation."

(emphasis supplied)

31. In Neera Yadav v. CBI [Neera Yadav v. CBI, (2017) 8 SCC 757 : (2017) 3 SCC (Cri) 515] , this Court observed thus : (SCC pp. 784-85, paras 59-61)

"59. Every country feels a constant longing for good governance, righteous use of power and transparency in administration. Corruption is no longer a moral issue as it is linked with the search of wholesome governance and the society's need for reassurance that the system functions fairly, free from corruption and nepotism. Corruption has spread its tentacles almost on all the key areas of the State and it is an impediment to the growth of investment and development of the country. If the conduct of administrative authorities is righteous and duties are performed in good faith with the vigilance and awareness that they are public trustees of people's rights, the issue of lack of accountability would themselves fade into insignificance.

60. To state the ubiquity of corruption, we may refer to the oft quoted words of Kautilya, which reads as under:

'Just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it is impossible for a government servant not to eat up, at least, a bit of the king's revenue. Just as fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in the government work cannot be found out (while) taking money (for themselves).

It is possible to mark the movements of birds flying high up in the sky; but not so is it possible to ascertain the movement of government servants of hidden purpose.'

[Ref : Kautilya's Arthasastra by R. Shamasastri, 2nd Edn., p. 77]

As pointed out by Paul H. Douglas in his book on "Ethics of Government", 'corruption was rife in British public life till a hundred years ago and in USA till the beginning of this century. Nor can it be claimed that it has been altogether eliminated anywhere.'

(Ref : Santhanam Committee Report, 1962 : Para 2.3)

61. Tackling corruption is going to be a priority task for the Government. The Government has been making constant efforts to deal with the problem of corruption. However, the constant legislative reforms and strict judicial actions have still not been able to completely uproot the deeply rooted evil of corruption. This is the area where the Government needs to be seen taking unrelenting, stern and uncompromising steps. Leaders should think of introducing good and effective leadership at the helm of affairs; only then benefits of liberalisation and various programmes, welfare schemes and programmes would reach the masses. Lack of awareness and supine attitude of the public has all along been found to be to the advantage of the corrupt. Due to the uncontrolled spread of consumerism and fall in moral values, corruption has taken deep roots in the society. What is needed is a reawakening and recommitment to the basic values of tradition rooted in ancient and external wisdom. Unless people rise against bribery and corruption, society can never be rid of this disease. The people can collectively put off this evil by resisting corruption by any person, howsoever high he or she may be."

32. In the overall view of the matter, we are convinced that the High Court rightly denied anticipatory bail to the petitioner herein."

In the aforesaid matter, the Hon'ble Supreme Court dismissed the Special Leave Petition against the order of the High Court refusing anticipatory bail, holding that no exceptional circumstances were made out to justify the grant of anticipatory bail in a corruption case, in view of the seriousness of the allegations. The Court further held that anticipatory bail in corruption matters is unwarranted unless it is demonstrated that the allegations are frivolous, politically motivated, or manifestly false.

It has further been noted that the private register recovered at the instance of a co-accused contains several hundred entries relating to various trucks, their registration numbers, mobile numbers, and names of persons involved, indicating the involvement of a large number of individuals in the offence. The FIR has been registered by the STF. Despite being a public servant posted at the RTO Office, Lucknow, the applicant could not be contacted by the investigating agency. The Investigating Officer, in his written comments before the learned trial court, has specifically stated that the applicant has not been cooperating with the investigation. The fact that the applicant could not be traced despite his official posting reflects non-cooperation of the applicant.

Considering the material collected during the investigation so far, which prima facie establishes active communication between the applicant and co-

accused persons, namely Manoj Kumar Bhardwaj, Girijesh, Ritesh Kumar Pandey @ Shanu, and others on more than 100 occasions; the recoveries effected; the statement of the independent witness; the statement of co-accused Abhinav Pandey; the magnitude of the syndicate and its influence; and the law laid down by the Hon'ble Supreme Court in Devinder Kumar Bansal (supra), it cannot be said that the applicant has been falsely implicated or arraigned merely to tarnish his reputation. A thorough investigation is required in the matter.

Accordingly, no case for grant of anticipatory bail is made out. The anticipatory bail application is, therefore, rejected.

(Karunesh Singh Pawar,J.)

December 18, 2025
R.C.