

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10621 of 2015

Arising out of PS.Case No. -381 Year- 2014 Thana -MUFFASIL District- WEST
CHAMPARAN(BETTIAH)

Dilip Sah @ Dilip Kumar, son of Shankar Sah @ Shiv Shankar Prasad,
resident of village- Shanichari, P.S.- Shanichari, District- West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party : Mr. Khurshid Anwar(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 26-11-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 10.09.2014
in connection with Bettiah Muffasil P.S. Case No. 381 of 2014 for
the offences instituted under Sections 489(B) 489(C)/34 of the
IPC.

The prosecution story, in brief, is that on 09.09.2014,
having received confidential information to the effect that two
persons had planned to send huge amount of counterfeit currency
notes to Village- Kotraha within Nautan P.S. Via Sitka, Balthar
after intruding into Indian territory, the informant obtained
permission from 2nd Commandant of SSB, constituted a raiding



party and reached big canal in Village-Sansaraiya within Bettiah Muffasil P.S. at about 9.00 P.M. and after short while, two persons as informed were seen coming towards Nautan. On signal to stop, those two persons started fleeing on motorcycle, though on chase, the pillion rider was caught hold of and the driver succeeded in fleeing away taking advantage of darkness, and no any independent witness was available at 10.00 P.M. On query, the apprehended person disclosed his name as Dilip Sah and he was apprised of his right of being searched before any Gazetted Officer or Magistrate but he agreed to be searched and then 100 currency notes of 1000 denomination were recovered from the right pocket of cloth and 100 currency notes of 1000 denomination were recovered from left pocket of cloth worn by him totally to Rs. 2 lacs and he disclosed that they were counterfeit and fake currency notes. The recovered currency notes were checked on FICN Test Detection Machine and found that they were counterfeit and fake ones. He further disclosed on query that he had brought such fake notes in the past also. He disclosed that he had brought those fake notes from Nitu Sah, who was resident of Village-Fulwariya, P.O. and P.S. Lauriya, District-West Champaran.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.09.2014 and the charge sheet has

been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. No procedure of search and seizure has been followed in the case of the petitioner.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. He was apprehended on the spot with fake counterfeit currency notes and the petitioner is involved in two other cases of similar nature.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Bettiah Muffasil P.S. Case No. 381/2014, pending in the court of the learned C.J.M., West Champaran at Bettiah. Anyhow, the learned court below is directed to take all necessary steps to expedite the trial and conclude the same preferably within a period of one year from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)