

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41793 of 2014

Arising Out of PS.Case No. -2 Year- 2014 Thana -ECONOMIC OFFENCE District-
MUZAFFARPUR

- =====
1. Sojebul Sheikh
 2. Alam Sheikh Both Sons of Late Muslim Sheikh Both Resident of village
- Mohabbatpur, P.S.- Kaliachak, District- Malda (west Bengal)

.... Petitioners

Versus

The Union of India Through D.R.I. Patna

.... Opposite Party

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Appearance :

For the Petitioners : Mr. S.N.P. Sinha, Sr. Advocate.
Mr. Rohit Kumar, Advocate.

For the Opposite Party : Mr. Sanjay Kumar (Asg)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 21-04-2015 Heard both sides.

The petitioners seek bail in D.R.I. Case No. 02 of 2014,
registered for the offences punishable under Section 135 of the
Customs Act.

On information that some persons are carrying fake
currency notes from Bangladesh territory into Indian territory. The
DRI official intercepted them and recovered 398 fake currency
notes each of 1000/- denominations from the possession of both
the petitioners.

Learned counsel for the petitioners submits that from
perusal of provision as contained in Section 104 Sub-Clause 6, it
would appear that the offence is bailable as there is no evasion of



tax and Sub-Clause 7 of the aforesaid Section especially provided that all other offences except provided in Sub-section 6 are bailable. It is further submitted that the petitioners were found in possession of the fake currency notes and there is no material on record to show that the petitioner either bringing the fake currency notes or circulating the same and thus at best the offence under Section 489 C of the IPC can be made out which is bailable.

On the other hand learned counsel for the informant submits that under Section 11 of the Customs Act, a notification was issued bringing the fake currency notes under the D.R.I. Case of the Indian Customs Act. Section 104 Sub-Clause 6 (b) makes the same offence non-bailable as it is prohibited goods. It is further submitted that in similar circumstances, prayer for bail of the other accused persons in other cases have already been rejected by this Court. On perusal of the confessional statement of the petitioners amply make clear that the petitioners were carrying the consignment of fake currency notes from Bangladesh territory into the Indian territory for circulation and it has the bad impact on the Indian economy by circulating the fake currency notes.

Having considered the facts aforesaid that the petitioners were carrying huge quantity of fake currency notes from Bangladesh territory into the Indian territory for circulation

of the same and they have also confessed before the DRI officials,
hence I am not inclined to enlarge the petitioners above named on
bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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