

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 3257 of 2020

Arising Out of PS. Case No.-91 Year-2019 Thana- THAKURGANJ District- Kishanganj

Abu Talib Son of Abdul Khalique Resident of Ward No. 13, Village - Chaundi Banbari, P.O. -
Singhia, P.S. and Distt – Kishanganj.Petitioner

Versus

The State of BiharOpposite Party

Appearance

For the Petitioner : Mr. Bajrangi Lal, Adv.

For the State : Mr. Surendra Prasad Singh, APP.

CORAM : HONOURABLE MR. JUSTICE PARTHA SARTHY

Oral Order

5 27.05.2020

Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner who is in custody since 30.7.2019 has filed the instant application for grant of regular bail in connection with Thakurganj P.S. Case no. 91 of 2019 registered under sections 489A, 489B, 489C and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated that on secret information having been received, the accused persons who were coming on a motorcycle were asked to stop by the police team. They abandoned their motorcycle and made an attempt to escape on foot but were caught and on search Rs. 94,000/- in counterfeit Indian currency notes and Rs. 2,000/- in counterfeit Nepali currency notes is stated to have been recovered from the



bag of the petitioner. It is stated that the petitioner stated that the said notes had been given to him by one Pradeep for being handed over to another person and for which they had been paid Rs. 4,000/-.

It is submitted by learned counsel for the petitioner that from the FIR itself it would transpire that the allegedly seized currency notes did not belong to the petitioner but belonged to Pradeep and so far as the petitioner is concerned, he can at best be said to be a carrier. It is submitted that the seizure list is also not in accordance with law and it does not state that the articles have been seized from the possession of the petitioner. It is further submitted that even in course of investigation the seizure list witnesses did not name the petitioner. It is further submitted that section 489A or 489B is not made out in the case so far as this petitioner is concerned for the reason that the allegation against this petitioner is not of counterfeiting instead he is stated only to be carrying the currency notes. It is submitted that the petitioner is in custody since 30.7.2019.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that a sum of Rs. 94,000/- of counterfeit Indian currency notes and Rs. 2,000/- of counterfeit Nepali currency notes is stated to have been recovered from the bag being carried by the petitioner, the Court is not inclined to enlarge the petitioner on bail and as such his prayer for bail is rejected.

(Partha Sarthy, J)

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