

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26000 of 2021**

Arising Out of PS. Case No.-240 Year-2018 Thana- GHORASAHAN District- East  
Champaran

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1. Chhathu Lal Sah @ Chhatulal Prasad, Son of Thakur Sah, Resident of Village- Madarsha Chowk, Khaad Beej Shop Near Middle School Road, Ghorasahan P.S. Ghorasahan, District- East Champaran.
  2. Sri Bhagwan @ Sri Bhagwan Prasad @ Bhagwan Prasad, Son of Ram Chandra Prasad, Resident of Village- Ghorasahan, P.S.- Ghorasahan, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Asst. Commissioner, Customs, East Champaran at Motihari, Bihar

... .. Opposite Party/s

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**Appearance :**

|                        |   |                                 |
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| For the Petitioner/s   | : | Mr.Y.C. Verma, Sr. Adv.         |
|                        | : | Mrs.Sanjana, Adv.               |
| For the State          | : | Mr.Kumar Veerendra Narayan, APP |
| For the Union of India | : | Mr.Uma Shanker Verma, CGC       |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      16-07-2021                      Heard the parties through virtual court proceedings.

The petitioners seek bail in a case registered for the offence punishable under Sections 420, 406 of the Indian Penal Code.

Prosecution case in brief, is that as per FIR, there is allegation that the Customs Circle Office, Ghorasahan had given seized goods of worth Rs.1,48,065/- and Rs.16,000/- in the custody of the petitioners and after sale of some goods to Abhishek Sahkari Upvokata Bhandar Ltd. Patna by NCCF of



India Ltd., Patna, letters were sent to these petitioners but they have failed to deliver the seized goods to buyer or to deposit remaining goods in Customs Circle Office, Ghorasahan. In this way, these two petitioners have committed cheating and embezzled the aforesaid Government money of the Customs Department.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioner no.1 had deposited the alleged amount of Rs.1,48,065/- vide FORM TR-6 dated 17.10.2020 and petitioner no.2 had deposited the alleged amount of Rs.16,000/- vide FORM TR-6 dated 06.10.2020, which is annexed as Annexure-2 Series of the bail application. The petitioners are languishing in judicial custody since 27.01.2021. The petitioners have got no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned counsel for the Union of India submits that the said Cheques have been cleared by the bank and the same is deposited in the account of Custom Department.

Learned APP for the State is present.

Considering the aforesaid facts and circumstances of the case, let the petitioners, above named, be released on bail on



furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each in connection with Ghorasahan P.S. Case No. 240/2018 to the satisfaction of learned Court below where the case is pending/ successor court.

**(Anjani Kumar Sharan, J)**

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