

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15927 of 2022

Arising Out of PS. Case No.-116 Year-2021 Thana- LADANIA District- Madhubani

1. RAM BABU SAH Son of Late Dhyani Sah Resident of Village - Nargi Chowk, P.S.- Kachnari, District - Sirha (Nepal)
2. Ranjit Purbey Son of Chhedi Purbey R/o Village - Piprahi, P.O. and P.S.- Ladaniya, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-09-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 379, 411, 420 IPC and section 3(a) of Foreign Exchange Management Act, 1999.

Allegedly, Rs. 5,25,000/- in cash in Indian currency has been recovered from the possession of one Chandeshwar Choudhary, who was entering Nepal border and he disclosed



that the same belongs to the petitioner no.1 and petitioner no.2 used to exchange the Nepali currency into Indian currency.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. It is submitted that no offence under the alleged sections is made out against the petitioners as the currency recovered were not foreign currency and the same has been recovered in India. It is further submitted that petitioner no.1 is the owner of Star Brick Industry situated at village Nawraj Pur District-Sirha (Nepal) and the said Nawraj Pur is adjacent to the border of India and a number of daily wages workers are working in the said kiln and petitioner no.1 used to pay their wages in Indian currency. Further the Star Brick Industry is registered in Government of Nepal and petitioner no.1 has appointed Chandeshwar Chaudhary as munsif and he ordered him to exchange the Nepali currency in Indian currency by following the rules of exchange of India. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since specific overt act attracting the provisions of the alleged



sections is made out against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Ladaniya P.S. Case No.116 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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