

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20182 of 2022

Arising Out of PS. Case No.-262 Year-2021 Thana- SIKTI District- Araria

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JITENDRA RAM S/o Brahmadeo Ram Resident of Village- Pratap Patti, P.S.-
Sahebganj, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 11-07-2022

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 413,414,420,467,468,471 of the Indian Penal Code, Section 3/10 of COFEPOSA Act and Section 3/13 of FEMA Act.

As per FIR, Rs.4,500/- Indian currency of 9 notes of Rs.500/- denomination have been recovered from the possession of the petitioner and from possession of other co-accused, namely, Parwez Alam, 364 notes of Nepali currency of Rs.1,000/- denomination as well as Rs.24,495 cash amount of Indian currency have been recovered, while they were coming from Nepal to India on a car.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case by the

SSB merely on suspicion. It is further submitted that currency of both the countries, i.e., Nepal and India runs and uses frequently in day to day life by the persons of both the countries and possessing the Nepali currency or Indian currency by the accused persons in India or Nepal territory do not constitute an offence under COFEPOSA and FEMA Acts. Petitioner has no criminal antecedent and he is in custody since 30.12.2021.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sikty P.S. Case No. 262 of 2021 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case,

prosecution will be at liberty to move for cancellation of
bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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