

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47865 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- D.R.I District- Purnia

1. Samar Mandal @ Shyamal Mandal Son of Navin Mandal Resident of Village - Sant Lal Mandai, Chak Bahadurpur, P.S. Vaishnav Nagar, District - Malda (West Bengal).
2. Pranav Mandal @ Pronob Mandal Son of Vinod Mandal Resident of Village - Sant Lal Mandai, Chak Bahadurpur, P.S. Vaishnav Nagar, District - Malda (West Bengal).

... .. Petitioner/s

Versus

The Economic (offence) Unit, Bihar, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Adv.
	:	Mr. Bijendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Manoj Kumar Singh (CGC)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

9 10-10-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned counsel for the Union of India.

The petitioners seek regular bail in connection with D.R.I. Complaint Case (Economic Offence) No. 1 of 2021 lodged under Sections 135 (1) (a)&(b) of the Custom Act, 1962.

As per the prosecution case, the allegation of making a fraudulent evasion or attempt or acquire possession in harboring, keeping, concealing, selling or purchasing or in any other manner, dealing with any goods. The recovery of 25

Indian currency notes of Rs/- 2,000 believed to be fake was made from the possession of each petitioner.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He further submits that present case has been lodged under Section 135 (1)(a)&(b) of the Custom Act, 1962 in which maximum punishment is upto 7 years. He further submits that the allegation, as made in the complaint, comes within the category of Section 135 (1)(e)(II) of the act, in which imprisonment of term which may extend upto 3 years or with fine both is there. Learned counsel for the petitioners submits that that petitioners are in custody since 22.01.2021 having clean antecedent.

Learned counsel for the Union of India opposes the prayer for bail and submits that recovery of FICN (Fake Indian Currency Note) of rupees 2000x25 made from the possession of each petitioner. He further submits that the offences under Custom Act used to run according to complaint case. Prosecution report has already been filed and case is going at the stage of evidence before charge. He also submits that it is not a normal crime rather a crime against the country and therefore the Directorate of Revenue Intelligence has filed this case.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the present petitioners at present but liberty is hereby granted to the present petitioners to move for bail 3 months after framing of charge. The trial Court is directed to expedite the trial.

After move the trial Court is directed to release the petitioners on bail imposing conditions so that they shall not evade their appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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