

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66801 of 2021

Arising Out of PS. Case No.-110 Year-2021 Thana- FULKAHA District- Araria

Prakash Pal, Son of Bhulai Pal Resident of Village- Madhya Harshi, Ward No. -3, P.S.- Diwanganj, District- Sunsai, Nepal.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, be removed within four
weeks.

The petitioner is in judicial custody in connection
with Fulkaha P.S. Case No.110 of 2021 instituted under Section
414 of the Indian Penal Code and Section 3/10 of the
Conservation of Foreign Exchange & Prevention of Smuggling
Activities Act, 1974 and Section 3/13 of Foreign Exchange
Management Act, 1999.

As per the prosecution story, on 06.07.2021 at around
6.45 P.M., on the basis of secret information that accused Sarvan
Kumar who has clothes shop is indulged in 'Hawala' activity
through which it manages exchange of currency of India and
Nepal. The officials get information that one person is coming at



his shop from Nepal with huge amount of Nepali currency then the informant along with force came at Atal Chowk. They saw a person riding on motorcycle is coming towards Atal Chowk. He was intercepted. The motorcycle rider tried to run away was apprehended with motorcycle with a bag hanging. Upon search, besides biscuits packet, onion and sugar, Nepali currency kept in a polythene was recovered total Rs.9,00,945/-. On being asked, he disclosed his name as Prakash Pal and failed to give satisfactory response. The informant seized the alleged recovered currency notes as well as other articles along with mobile and motorcycle.

It is further alleged that apprehended accused revealed that accused Sarvan Kumar, the owner of Sarvan Vastralaya had giving the said Nepali currency to him to be taken away to Nepal for delivery.

Learned counsel for the petitioner submits that he is a Citizen of Nepal and the amount belongs to him which he was possessing for purchasing valuable materials from India in connection with the marriage of his sister. He further submits that those residing in border either side used Indian currency to purchase items in Nepal whereas the citizens from Nepal come to India along with the local money to purchase items in India,



as the currency are entertained by the shopkeepers across the border. He further submits that he has no criminal antecedent and is ready to abide by any terms and conditions that is imposed while releasing him on bail.

Taking into account the aforesaid facts that the petitioner is a citizen of Nepal was visiting India, has no criminal antecedent and he is in jail since 08.07.2021 (as stated in para-16 of the bail application), as also the charge sheet has already been submitted, this Court is inclined to grant him the privilege of bail with certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.25,000/-(twenty five thousand) with two sureties of the like amount each in connection with Fulkaha P.S. Case No.110 of 2021 to the satisfaction of learned Judicial Magistrate, Ist Class, Araria, subject to following conditions:

(i) both the bailors should be the citizen of India and they will provide the document issued by the Government to confirm their identity;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so without plausible reasons will entail cancellation of his bail by the Trial court itself.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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