

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38158 of 2024**

Arising Out of PS. Case No.-149 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

1. Md. Asmaul Sheikh @ Md. Asmaul Sk S/O Belal Sheikh R/O village Sujjapur. P.S Kaliachak District-Maldah (West Bengal)
2. Md. Ekbal @ Md. Ekbal Hussain S/O Riyazul Sheikh @Riyajul R/O Village Bromotor, P.S Kaliachak District-Maldah (West Bengal)
3. Noor Alam S/O Baset R/O Village Mosimpur, P.S Kaliachak District-Maldah (West Bengal)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.N.K.Agrawal, Sr. Advocate  
Mr.Arvind Kumar, Advocate  
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      12-06-2024                      Heard Mr. N.K. Agrawal, learned senior counsel  
  
appearing on behalf of the petitioners and learned A.P.P. for  
  
the State.

**2.** Petitioners seek bail in connection with  
  
Kuchaikote P.S. Case no. 149 of 2024 registered for the  
  
offences under Sections 379, 414, 420 and 120(B) of the  
  
Indian Penal Code.

**3.** The petitioners are named in the First  
  
Information Report and are in custody since 05.04.2024.

**4.** Allegation against the petitioners is to have in  
  
possession of certain Nepali currency of different



denominations amounting total of Rs. 11,000/- and also mobile Sim total of 8774, while they were travelling in a car bearing registration No. WB42AW-3020 alongwith other co-accused persons.

**5.** It is submitted by Mr. N.K. Agrawal, learned senior counsel appearing on behalf of the petitioners that petitioners doing the scrap business and also to purchase the old mobiles, cancelled/dead Sims and other scrap articles connected with mobile. They usually engaged in this business in boarder area of the country and also doing the same business in Nepal and, for the said purpose, the petitioners are registered with Indian Embassy, Nepal bearing registration No. 711/2022 and, in connection with the same, petitioners also opened a bank account in Laxmi Bank, Khusibu Branch, Nepal bearing A/c No. 049450003265. It is submitted by learned senior counsel that in such circumstance the possession of Nepali currency is very much natural for the petitioners. It is pointed out that the vehicle, which was seized by the police i.e. Car bearing Registration No. WB42AW-3020 is also belongs to petitioner no. 1 and



this fact surfaced during course of investigation also as available in paragraph 35 of the case diary. It is further submitted by learned senior counsel that the scrap SIMs, which were seized from possession of the petitioners are being used as gold plating to different metal items and is not stolen one. While concluding argument, learned senior counsel submitted that petitioners are men of clean antecedent and, moreover, investigation of this case is completed, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

**6.** Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

**7.** Considering the aforesaid factual submission and by taking note of the nature of allegation where it *prima-facie* appears that petitioners are the scrap dealers doing their business of scrap articles across Indo-Nepal boarder under valid registration, coupled with the fact that petitioners are in custody since 05.04.2024, where charge-sheet has already been filed, accordingly, above-named petitioners are directed to be released on bail in connection with Kuchaikote



P.S. Case No. 149 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Gopalganj, subject to the condition as laid down under Section 437 (3) Cr.P.C.

**(Chandra Shekhar Jha, J.)**

Rajeev/-

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