

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48569 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- KOTWA District- East Champaran

Jameel Akhtar, S/o Rajaqu Ali @ Rajak Ali, R/o village- Dhrujgol, P.S.-
Bakhira, Distt. - Santkabir Nagar, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Ms. Ranjana Srivastava, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 22-11-2024 Heard Mr. Krishna Prasad Singh, learned Senior Advocate, duly assisted by Ms. Ranjana Srivastava, learned Advocate for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Kotwa P.S. Case No. 125 of 2024 registered for the offences punishable under Sections 467, 468, 489-A, 489-B, 489-C and 489-D/34 of the Indian Penal Code.

3. The police on a tip-off trafficking of counterfeit notes has apprehended the petitioner and another co-accused persons, who were coming on motorcycle. On search of both the persons, total Rs. 12,90,000/- counterfeit notes have been recovered. From possession of the petitioner, Rs.10,90,000/- fake currency has been recovered.



4. Learned Senior Advocate for the petitioner drawing the attention of this Court to the F.I.R. primarily contended that even if the allegation is taken to be true, it hardly constitute an offence under Section 498C of the Indian Penal Code and, as such, the same is bailable in nature. It is further contended that there is serious infirmities in the search and seizure; moreover, the alleged recovery has been made in a public place, but surprisingly the witnesses are non-else than the police personnel. The very institution of the F.I.R., without verification of the currency notes as to whether they are counterfeits or genuine, it also casts serious doubt over the prosecution case. The petitioner bears fair antecedent and now he has been incarcerated since 04.05.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was found involved in trafficking of the counterfeit currency and from the possession of the petitioner altogether Rs.10,90,000/- counterfeit notes have been recovered, but he failed to explain as to from where he has procured the counterfeit notes. It is also contended that the materials available on record, *prima facie*, made out a case under Section 489B of the Indian Penal Code.



6. Regard being had to the submissions made on behalf of the parties and considering the recovery of huge counterfeit notes, this Court is not acceded to the prayer of the petitioner.

7. Accordingly, the prayer for grant of bail to the petitioner is rejected. However, the petitioner shall be at liberty to renew his prayer for bail after framing of the charge.

(Harish Kumar, J)

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