

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52844 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- INARWA District- West Champaran

Raju Alam, Son of Naushad Alam, Resident of Vill- Inarwa Bazar, P.O. and
P.S.- Inarwa, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Inarwa P.S. Case No. 43 of 2024 registered
for the offences punishable under Sections 489B and 489C of
the Indian Penal Code.

3. The petitioner is said to have been found indulge in
business of fake currency notes. The police on a confidential
information intercepted the petitioner, who was coming on a
motorcycle and, in course of search, Rs.44,500/- fake currency
in denomination of Rs.500 was recovered from the dicky of the
motorcycle.

4. Learned counsel for the petitioner, referring to the
FIR has taken this Court to Section 489B of the I.P.C. and



submitted that the ingredients available in the FIR do not constitute the offence, much less under Section 489B of the I.P.C. So far Section 489C of the I.P.C. is concerned, it talks about recovery of counterfeit notes from the possession of an accused person i.e. bailable in nature. It is next contended that there are various infirmities in the search and seizure. Moreover, there is no compliance of Section 100 CrPC, as both the witnesses are none else but the police personnel, though the search and seizure has been made in a crowded place. The petitioner bears fair antecedent and now investigation of the crime is complete.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that during the course of investigation, materials have come suggesting complicity of the petitioner in the present crime. The witnesses have also categorically stated that it is the petitioner from whose possession, the entire recovery has been made.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that investigation of the crime is complete and the charge-sheet has been submitted, coupled with the fair antecedent of the petitioner and the infirmities in the search and seizure, let the petitioner, named



above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, West Champaran at Bettiah in connection with Inarwa P.S. Case No. 43 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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