

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79192 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- RAXAUL District- East Champaran

Jaialam Hawari S/o Jainul Hawari R/o Village- RAmpur Ward No. 12, P.S.-
Harpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Hemant Ray, Advocate
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 18-11-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Raxaul
(Haraiya) P.S. Case No. 63 of 2024 instituted for the offence
under Sections 420, 489(A), 489(B), 489(c) & 34 of the Indian
Penal Code and Sections 8 & 21(b) of the NDPS Act.

3. Prosecution case in short is that there is recovery of
counterfeit currency from the possession of the petitioner
amounting to Rs. 37,500/-, one mobile phone and 104 grams
smack.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 04-03-2024. Petitioner is a
man of clean antecedent.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel submits that petitioner was not using the said counterfeit currency as genuine. It is submitted that petitioner has no concern with the contraband substance. Learned counsel next submits that recovery is much below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the NDPS Act. There is no compliance of Section 100 of the Cr.P.C.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, recovery below commercial quantity and clean antecedent of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Raxaul (Haraiya) P.S. Case No. 63 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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