

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1358 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- SONBERSA District- Sitamarhi

Khaliullo Mukhtorov @ Khalil Mukhotarov S/O Lutfullo Mukhtorov R/O Andijan, Uzbekistan, At Present Resident Of House No. 103, R-89, Khirki Bistar, Malviya Nagar, South Delhi- 110017.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Union Of India Through The Commisioner Customs, Igi Airport, New Delhi. Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv Mr. Pushpendra Kumar Singh, Adv Mrs. Divya Bharti, Adv
For the Opposite Party/s	:	Ms. Punam Kumari Singh, C.G.C Mr. Vaibhav Jha, Adv

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 26-07-2024 Heard the parties.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 420, 120(B)/34 of the Indian Penal Code, Section 14 of the Foreigners Act, 1940 and Section 12 of the Passport Act, 1967.

The prosecution case as alleged in the First Information Report, in short, *inter alia* is that the informant Himanshu Rathor, Assistant Commandant 51"



Battalion S.S.B.. Sitamarhi submitted a written report to the Station Head Officer of Sonebarsa Police Station alleging therein that on 01.07.2023 at about 8.00 O'clock, he was on duty at Nepal India Boarder Pillar No. 326/32 along with other personnel. In the mean time a white coloured Hyundai Venue vehicle was coming from Nepal side. The informant further alleged that the B.I.T team stopped the said vehicle in which there were two persons including the driver. On enquiry, they disclosed their name as Mohammad Aarish and Khalilullo Mukhtorov (the petitioner). The informant further alleged that on checking of the documents, the petitioner was not having Passport whereas the *Aadhar* Card and Pan Card produced by him was found to be forged. From his language, it appears that the said person (petitioner) is the citizen of other country. The informant further alleged the driver of the vehicle was illegally trying to enter the petitioner in the India without having any valid VISA and Passport. In sequence of enquiry, several



articles have been recovery and accordingly seizure list has been prepared.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is a resident of UZBEKISTAN and he was staying in Delhi due to his lapse of VISA. He was intercepted by the Customs Authority at Indira Gandhi International Airport, New Delhi for violation of rules pertaining to green channel and his passport was seized and he was in custody of the Customs Authority. The petitioner was approached by a taut who offered to make certain documents i.e. *AADHAR CARD* and *PAN CARD* which would help him to stay in India as long as his passport is not released. The petitioner was completely unaware of the said documents and believed the taut. The petitioner along with Md. Arish went to Nepal to see off his sister Shenaaz and upon returning to India he was intercepted. Learned counsel has further submitted that after



Investigation, charge-sheet has been submitted and the petitioner is ready to abide by any conditions for grant of his bail. Moreover, the petitioner has been granted bail in connection with a case under Sections 132/135 of the Customs Act vide order dated 18.01.2020 passed by learned CMM/ND/Patiala House Courts, New Delhi. The driver Md. Aarish @ Mohammad Aarish who has accompanied the petitioner has already been enlarged on bail vide order dated 11.10.2023 passed in Cr. Misc. No. 63963 of 2023. The petitioner is languishing in custody since 02.07.2023.

Learned counsel appearing on behalf of the opposite parties have vehemently opposed the prayer for bail of the petitioner and submitted that petitioner is a citizen of UZBEKISTAN and he has violated the rules of VISA and he is living in India without any valid VISA for which his passport has been seized by the customs authority. He has further submitted that petitioner has prepared a forged *AADHAR CARD* and *PAN CARD* in his



name showing him to be Indian Citizen and by using that forged *AADHAR CARD* and *PAN CARD*, he has purchased a car and got registered in his name and got registration certificate of the said car in his name. It is the admitted case that the petitioner went Nepal at Kathmandu from Delhi and while returning he was caught by the S.S.B. personnel.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail **after framing of charge, if the charge has already not been framed** and on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sitamarhi in connection with Sonebarsa P.S. Case No. 209 of 2023, subject to the conditions that (i) petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient



cause, shall lead to cancellation of bail bonds of the petitioner (ii) the petitioner shall not tamper with the evidence or influence any witness in any manner whatsoever (iii) the petitioner shall not leave the country without prior permission of the Court.

(Sunil Kumar Panwar, J)

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