

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29372 of 2026

Arising Out of PS. Case No.-168 Year-2025 Thana- SONBERSA District- Sitamarhi

Tej Narayan Sah S/o- Ram Ekbal Sah R/v- Harpurba W.No-6, Ps- Harpurba
Dist- Sarlahi, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 15-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Sonbarsa P.S. Case No. 168 of 2025 for the offence punishable under sections 318(4) and section 13 of Foreign Exchange Management Act lodged on 20.05.2025 by the informant, Bigan Ravidas.

3. As per the prosecution case, the allegation against the petitioner is that he, being a Nepali national, was apprehended by the SSB Personnel at Soharwa Ceck post near Border Pillar No. 320(25) while proceeding from India to Nepal and Nepali Currency to tune of NPR 3,90,000/- was recovered from his possession for which he could not produce any authorization or documents for carrying or export of such



foreign currency across the border.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case for an allegation that he could not produce any authorization or documents for carrying or export of such foreign currency across the border. It is the case of the petitioner that he is the citizen of Nepal but he does his business of tiles and marbles in the State of Himachal Pradesh in India and in course of business, he lent Rs. 2,13,000/- to his friend, namely, Umesh Sah which he returned to the petitioner through his one relative at Lalbandi, a place near border of Nepal. The said money was converted into Nepali currency which was being carried by this petitioner to Nepal, during course of which the police apprehended the petitioner. Later on, the police released the petitioner on personal bond under Section 35(3) of the BNSS. Thereafter, the police submitted charge-sheet against the petitioner under Section for the offence u/s 318(4) of the BNS and under Section 13 of the FEMA Act. It has further been submitted that the petitioner has not misused the privilege of police bail which is said to have been extended during course of investigation and has got no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory



bail.

6. Considering the fact that during course of investigation, the petitioner has been extended the privilege of police bail and he did never misuse the same and he earns his livelihood by doing business relating to tiles and marbles and has got clean antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to the conditions that since the petitioner is a Nepali national, one of the bailors would be the local persons of the concern trial court, who shall provide official document to show his/her bona fide

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ***Judicial Magistrate, 1st Class, Sitamarhi/the court concerned*** in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

(i) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/their bail bond by the Trial Court itself;



(ii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iii) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/their bail bonds.

(Ajit Kumar, J)

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