

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61866 of 2017

Arising Out of PS.Case No. -264 Year- 2017 Thana -KUCHAIKOTE District- GOPALGANJ

- =====
1. SHER MOHAMMAD @ SHER MUHAMMAD, S/o Md. Munshi , R/o Village- Sector 17 Pass Road, P.S.- Purana Faridabad, District- Faridabad, U.P.
 2. Dipak Yadav S/o Ram Bilash Yadav, R/o Village- Hidiliya, P.S.- Baregan, District- Mainpur (U.P.)

... Petitioner/s

Versus

1. The State of Bihar
- Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate
For the State : Mr. Ram Sevak Choudhary, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-12-2017 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Kuchaikot P.S. Case No. 264 of 2017 instituted for the offences under Sections 272, 273 and 420 of the Indian Penal Code and section 30(a) (b) (c) of the Bihar Excise Act.

The allegation is regarding recovery of huge quantity of liquor from the truck which was driven by the petitioner no. 1 and the petitioner no. 2 was the khalashi of the said truck. On their disclosure, the accused persons have been made accused in the present case.

The learned counsel for the petitioners submits that the petitioners are innocent and they were not having knowledge of the load being carried in the said truck and they were merely the



driver and khalashi of the said truck. It is further submitted that the petitioners have clean antecedent and they are languishing in custody since 22.09.2017.

Considering the nature of accusation, the period of custody already undergone and more particularly the fact that they are having a clean antecedent, I direct the petitioners named above to be released on regular bail on furnishing bail bond of Rs. 50,000/- (rupees fifty thousand) each with two sureties of the like amount each to the satisfaction of learned IInd Additional Session Judge, Gopalganj in connection with Kochaicot P.S. Case No. 264 of 2017 subject to the following conditions:-

- (i) One of the bailor of the petitioners shall be a local resident;
- (ii) The petitioners shall mark their attendance before the concerned Police Station on every Monday of the week at 10:00 A.M. and two consecutive defaults in marking their presence, would lead to cancellation of present privilege of bail being granted to them and the petitioners would be taken into custody forthwith.

The bail petition is allowed with the aforesaid observations.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

