

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77317 of 2019**

Arising Out of PS. Case No.-304 Year-2019 Thana- KUCHAIKOTE District-
Gopalganj

- =====
1. ARIF ALI Son of Shamshad Mian @ Samshad Mian @ Samsad Miya Resident of Village - Vrindavan (Birdaban), Police Station - Uchakagaon, District - Gopalganj.
 2. Vikash Sharma Son of Amod Sharma Resident of Village - Vrindavan (Birdaban), Police Station - Uchakagaon, District - Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Lokesh Kumar Singh, Advocate.
For the Opposite Party: Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 28-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are in custody since 21.09.2019 in connection with Kuchaikote P.S. Case No. 304 of 2019 for the offences alleged under Sections 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. It is submitted that the petitioners have been falsely implicated in connection with recovery of 33.200 litres of country made wine, said to have recovered from a bag kept on the motorcycle on which the petitioner and co-accused Vikash Sharma were travelling. It is submitted that the petitioners are not the owners of the said motorcycle nor they have any concerned with the seized liquor. The petitioners have already suffered over two months in custody. The petitioners claim clean antecedents.



4. Be that as it may, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand)each with two sureties of like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj in connection with Kuchaikote P.S. Case No. 304 of 2019, on the following conditions-

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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