

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53312 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- KATEYA District- Gopalganj

1. Kuldeep Fogat @ Kuldeep Forgat, Son of Dilbag Fogat, Resident of Village- Balot, PS and Dist- Rohtak (Haryana)
2. Rahul Singh, Son of Pahalwan Singh, Resident of Village- Girsu, Ps- Ghatampur, Dist- Kanpur (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Kateya P.S. Case No. 177 of 2023 instituted under Section 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 24.04.2023 by the informant Hareram Kumar.

As per the prosecution story, the police intercepted the pickup van and recovered/seized 300.750 litre wine. Accordingly, the FIR.

It is the case of the petitioners that both the petitioners being driver and co-driver of the pickup van had no knowledge about the presence of the wine in the vehicle and have suffered



by being in custody since 25.04.2023 (para 15 of the petition). Further, both do not have criminal antecedent. Last submission is that petitioners are sole bread earner of their family and their custody have put the family on the verge of starvation.

Learned APP opposes the prayer for bail.

Considering the submissions put forward by the learned counsel for the petitioners, they are in custody since 24.04.2023 and have no criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kateya P.S. Case No. 177 of 2023 to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise-I, Gopalganj, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner 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 bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner 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;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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