

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No 54623 of 2019**

Arising Out of PS. Case No.-205 Year-2019 Thana- MANJHI District- Saran

1. Uday Kumar (M), aged about 30 years, Son of Kapildev Prasad, Resident of Village - Laxmichak, P.S.- Sahpur, District - Patna.
2. Pawan Kumar (M), aged about 24 years, Son of Mohan Rai, Resident of Village - Makhdumpur Digha Ghat, P.S.- Digha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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| For the Petitioner/s :     | Mr.Lovekush Kumar   |
| For the Opposite Party/s : | Mr.Shailendra Kumar |

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

**3      30-09-2019**

Heard learned counsel for the petitioners as well as the learned APP.

Petitioners seek bail in a case registered under Sections 30, 30 (g), 38 (i) (ii) of Bihar Prohibition and Excise Act.

It is submitted by petitioners' counsel that the First Information Report is in relation to two recoveries, one from Indigo Car and the other from an Innova Car, leading to recovery of 160.29 and 241.92 liters of English liquor respectively from the two vehicles. The persons, from whom the recovery was attributed from the Innova Car, have been allowed bail by different coordinate Benches of this Court in Cr Misc No 55738 of 2019 and Cr Misc No 58215 of 2019. Petitioners are also in custody from the same date, i e,



06.07.2019. Against petitioner No 2, there is one criminal antecedent in which he is on bail. The alleged recovery is not in accordance with the procedure prescribed under Section 100 of Criminal Procedure Code.

Having considered the submission, prayer for bail is allowed. Let the petitioners above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge XI -cum- Special Judge, Excise, Saran in Manjhi Police Station Case No 205 of 2019 with the following conditions:

(1) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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