

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14298 of 2020**

Arising Out of PS. Case No.-18 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Lal Babu, Son of Late Mungi Singh, Resident of Village-Bihta, P.S-Haspura,
District-Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mrityunjay Kumar Gautam, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER**

2 13-05-2020 Heard Mr. Sumeet Kumar Singh, learned counsel

for the petitioner and Mr. Mrityunjay Kumar Gautam, learned

counsel for the State via video conferencing.

The petitioner has filed the present application
under Sections 439 and 440 of the Code of Criminal Procedure
for grant of bail in connection with Excise Case No. 18 of 2020
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

It is submitted by the learned counsel for the
petitioner that there is no truth behind the allegation of the
recovery of 98.28 liters of liquor from the possession of the
petitioner, who has got no criminal antecedent. He is in custody
since 04.01.2020. It is further contended that the arrest of the
petitioner by the Sub Inspector of the Excise Department is a



glaring example of executive arbitrariness and administrative high-handedness.

Learned counsel for the State has opposed the application for grant of bail to the petitioner.

Considering the nature of the offence, the period undergone by the petitioner in custody and the statement made in paragraph-3 that he has got no criminal antecedent, he is directed to be released on bail on furnishing bail bond of Rs.5000/- (five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-VII-cum-Special Judge, Excise, Aurangabad in connection with Excise Case No. 18 of 2020.

(Ashwani Kumar Singh, J.)

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