

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19834 of 2020

Arising Out of PS. Case No.-118 Year-2020 Thana- BUXAR District- Buxar

FAIYAZ KHAN Son of Mhd. Samshad Khan Resident of Village- Badki
Sarimpur, P.S.- Buxar (Industrial), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nil Kamal

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-06-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

At the outset, the petitioner undertakes to remove all the defects, pointed out by the office, immediately within a period of four weeks of assumption of normalcy and commencing of physical operation in the Sections of this Court.

Heard the learned counsel for the petitioner the learned APP for the State.

The petitioner seeks regular bail in connection with Buxar (Town) PS case no. 118 of 2020 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

The case of the prosecution in brief is that the



informant, who is the Sub-Inspector of Police, Buxar Town PS, along with other police force were patrolling in the night when they received secret information that illicit liquor was being transported, whereafter they had conducted a raid at Jahaj Ghat and arrested the petitioner and one other co-accused person, whereafter illicit liquor was also recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that Section 100 Cr.P.C. has not been complied with while preparing the seizure list, hence the entire seizure stands illegal and vitiated. Lastly, it is submitted that the petitioner is languishing in custody since 08.03.2020.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the fact that the petitioner is having a clean antecedent and there is no compliance of Section 100 Cr.P.C. in preparation of the seizure list, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-4th-cum-Special Judge,



Excise Act, Buxar in connection with Buxar (Town) PS case no.
118 of 2020.

(Mohit Kumar Shah, J)

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