

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11027 of 2023**

Arising Out of PS. Case No.-101 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

=====

VED PRAKASH @ SAHIL KUMAR, aged about 26 years, Male, S/O
VINAY RAY, Resident of Village- Lal Pokhar Dighi, P.S.- Hajipur, Sadar,
District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party : Mr. Damodar Prasad Tiwary, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is apprehending his arrest in
connection with C2A Case No. 101 of 2017 for the offence
registered under Section 30(a), 35(a) and 37(d) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 300
ML wine is said to have been recovered from the Gumti
belonging to joint family of the petitioner.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in
the present case. There is no allegation of tampering with



the witnesses alleged against the petitioner. It is alleged that total 300 ML wine is recovered from the Gumti belonging to joint family of the petitioner. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case as the alleged recovery is made from the Gumti belonging to joint family of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender



before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur, in connection with C2A Case No. 101 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

