

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64174 of 2024**

Arising Out of PS. Case No.-211 Year-2024 Thana- BALIYA District- Begusarai

Jalo Sah, Male, aged about 29 years, Son of Rajo Sah, R/O-Village-  
Phulwaria (Danauli Phulwaria), P.S- Ballia (Paliya), District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Sandip Kumar Gautam, Advocate  
For the Opposite Party : Mr. Akshay Lal Pandit, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

2      20-11-2024              Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Ballia (Baliya) P.S. Case No. 211 of 2024 dated 05.07.2024 registered for the offences punishable under Sections 30(a), 32, 41(1) and 41(2) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 243 litres of illicit country made liquor was recovered from the Bolero Pick-up Van.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern



with the alleged offence. No incriminating article has been recovered from his possession. The petitioner is neither the owner nor the driver of the vehicle in question. He was not arrested on the spot. His name has come in the present case on the basis of the confessional statement of the apprehended co-accused person Raj Kumar Yadav which has got no evidentiary value in the eye of law. There is no compliance of Section 100 of the Cr.P.C. The other co-accused Raj Kumar Yadav has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 57701 of 2024 under order dated 13.08.2024. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application.

5.Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-II, Begusarai, in connection with Ballia (Baliya) P.S. Case No. 211 of 2024, subject to the



condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

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