

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4369 of 2025

Arising Out of PS. Case No.-380 Year-2024 Thana- BALIYA District- Begusarai

Chhotelal Yadav @ Chhote Prasad Yadav @ Chhotelal Prasad Yadav @
Chhotelal Pd Yadav S/o Arjun Prasad Yadav @ Arjun Yadav R/o Village-
Barbighi, PS- Baliya, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 in connection with Ballia (Baliya) P.S. Case No.380 of 2024.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of six cases and allegation is of recovery of 30 liters of liquor from a Toto.

4. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious



possession and is not the owner of the seized Tota and he came to be implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value. It is further submitted that no doubt petitioner has antecedent of six cases, but then four cases were instituted against him by one Soni Devi and her nephew.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-II, Begusarai in connection with Ballia (Baliya) P.S. Case No.380 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court thereafter shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has more than six antecedents the provisional anticipatory bail shall not be



confirmed, and if it is found that after verification that petitioner has antecedent of six cases only, in that event, provisional anticipatory bail shall be confirmed forthwith.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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