

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47232 of 2023

Arising Out of PS. Case No.-385 Year-2021 Thana- NAWADA District- Nawada

Manti Devi W/O Late Bhonu Chaudhary R/O Village-Tetrawa Manpur, P.S.-
Manpur, District-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhim Sen Prasad, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State

2. The petitioner seeks bail in connection with Nagar
(Nawada) P.S. Case No. 385 of 2021 registered for the offence
under Section 33, 34 and 36 of the Bihar Prohibition and Excise
Act.

3. The accused/petitioner is not named in the F.I.R. and
is in custody since 17.01.2022.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of spurious liquor, where, after
consumption son of informant died, during the course of treatment.

5. Learned counsel appearing on behalf of the
petitioner submitted that the name of petitioner surfaced during the
course of investigation on the basis of confessional statement of



co-accused, namely Arvind Yadav, in furtherance of which, nothing incriminating recovered/surfaced during the course of investigation as to connect petitioner with the present occurrence, causing death of the son of informant. It is further submitted that during the course of investigation only empty pouches were recovered from the house of this petitioner, having otherwise no connection with the occurrence. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of State, while opposing the prayer of bail submitted that petitioner found involved in five more criminal cases of similar nature but fairly conceded that petitioner is lady and her name appears in the present case on the basis of confessional statement of co-accused.

7. Considering the facts and circumstances as mentioned above as save and except suspicion arising from the confessional state of co-accused Arvind Yadav, nothing incriminating appears during the course of investigation except empty pouches, as to connect petitioner with the present occurrence of the death of son of informant, where petitioner is a lady, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 17.01.2022, accordingly,



above named petitioner is directed to be released on bail in connection with Nagar (Nawada) P.S. Case No. 385 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st, Nawada/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:-

(i) That the petitioner shall not indulge in any criminal case till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.



(iii) That one of the bailors
shall be deponent of the present bail
petition.

S.Tripathi/-
(Chandra Shekhar Jha, J)

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