

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21639 of 2024**

Arising Out of PS. Case No.-375 Year-2021 Thana- NAWADA District- Nawada

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1. MANTI DEVI, W/o Bhonu Choudhary, Resident of Village-Gondapar, P.S.- Nawada, District-Nawada.
  2. ANIL CHOUDHARY S/o Bhonu Choudhary Resident of Village-Gondapar, P.S.-Nawada, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate  
For the Opposite Party/s : Ms.Suman Kumari Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      17-05-2024                      1. Heard learned counsel appearing on behalf  
of the parties.

2. This matter is listed under the caption of  
"For Orders (On Office notes)".

3. The petitioners seeks bail in connection with  
Nawada (Town) P.S. Case No. 375 of 2021 registered  
for the offence under Sections 33, 34 and 36 of the  
Excise Act.

4. The accused/petitioners are not named in the



F.I.R. and are in custody since 30.11.2022.

5. The allegation against petitioners is to involve in illegal activities of illicit liquor alongwith other co-accused persons, where after consumption brother of informant died.

6. Learned counsel appearing on behalf of the petitioners submitted that the name of petitioners surfaced in present case during the course of investigation on the basis of confessional statement of co-accused Arbind Yadav, where no incriminating material recovered/surfaced during the course of investigation to connect this petitioner with present occurrence. It is submitted that as petitioner found involved in 18 cases of similar nature, therefore, his name also implicated with present case, on the basis of suspicion arises out of those 18 criminal antecedents, wherein also in almost all cases, name of petitioners surfaced on the basis of confessional statement, as of the present case. While concluding the argument, it has



been 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.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as save and except confessional statement of co-accused no incriminating material recovered/surfaced to connect petitioners with present occurrence of illegal trading of alleged spurious liquor, which cause death of the brother of informant coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 30.11.2022, let both petitioners, above named, are directed to be released on bail in connection with Nawada (Town) P.S. Case No. 375 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-1st,



Nawada/concerned court, subject to the conditions as  
mentioned under Section 437 (3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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