

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37783 of 2024

Arising Out of PS. Case No.-387 Year-2021 Thana- NAWADA District- Nawada

Usha Chaudhary @ Usha Devi W/O- Rajo Chaudhary @ Raju Chaudhary
Resident Of Village- Chaudhary Tola, Kharidi Bigha, P.S.- Nawada (Nagar),
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manmohan Kumar, Advocate
For the State : Mr. Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with Nawada (Nagar) P.S. Case No. 387 of 2021 registered for the offences punishable under Sections 33, 34 and 36 of Bihar Prohibition and Excise Act.

3. As per prosecution case, the police on secret information reached the house of Ramswaroop Yadav and from a vacant land situated on the eastern side, six empty pouches of 200ml recovered/seized.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case.



He further submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner is not named in FIR and the petitioner surfaced in this case on the basis of confessional statement of co-accused person made before the police. He further submits that petitioner is in custody since 25.02.2023 and similarly situated co-accused persons have been already granted bail by this Court and different learned co-ordinate Benches of this Court passed in Cr. Misc. No. 13094 of 2023, Cr. Misc. No. 13889 of 2023, Cr. Misc. No. 11797 of 2023, Cr. Misc. No. 72878 of 2023, Cr. Misc. No. 72615 of 2023, Cr. Misc. No. 72316 of 2023, Cr. Misc. No. 73866 of 2023, Cr. Misc. No. 13372 of 2024 and Cr. Misc. No. 2933 of 2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions



made on behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount to the satisfaction of learned Exclusive Special Excise Judge - 1st Nawada in connection with Nawada (Nagar) P.S. Case. No. 387 of 2021.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on the above conditions and he shall be present physically on each and every date before the trial court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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