

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7542 of 2025

Arising Out of PS. Case No.-403 Year-2021 Thana- NAWADA District- Nawada

Usha devi Wife of Rajo @ Raju Chaudhary Resident of village -Kharidibigha,
P.S.- Nawada, District -Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma
For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-02-2025 Heard the parties.

2. The petitioner seeks bail in connection with Nawada (Town) P.S. Case No. 403 of 2021 registered for the offence under Sections 30(a)(b)(c)(d) of the Excise Act.

3. The accused/petitioner is not named in the F.I.R. and is in custody since 30.10.2024.

4. The allegation against the petitioner is to involve in the illegal business of illicit liquor, where 400 ml of country made liquor, 4 kg plastic wrapper, 5 liters of spirit and two 50-50 liter empty plastic container were recovered.



5. Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Manti Devi, in furtherance of which, nothing incriminating surfaced, which may connect the petitioner with the alleged recovery/manufacturing activities. It is further submitted that petitioner involved in this case only due to his criminal antecedents, as he found involved in 11 more criminal cases but in most of the cases, name of the petitioner surfaced on the basis of confessional statement, as of the present case. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that this is not a case of recovery of illicit liquor from the physical possession of the petitioner.

7. In view of the facts and circumstances, as



mentioned above, as recovery *prima-facie* cannot be said to be made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nawada (Town) P.S. Case No. 403 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) 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 laid down u/s 437(3) of the Cr.P.C./ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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