

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8035 of 2025

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

Usha Devi Wife of Rajo @ Raju Chaudhary R/o Village - Kharidibigha, P.S.
and District - Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Nawada

P.S. Case No. 375 of 2021 registered for the offence under

Sections 33, 34 and 36 of Bihar Prohibition and Excise Act,

2016.

3. The accused/petitioner is not named in the F.I.R.

and is in custody since 28.10.2024.

4. The allegation against the petitioner is to involve in

illegal activities of illicit liquor alongwith other co-accused

persons, where, after consumption, brother of informant died.

5. Learned counsel appearing on behalf of the

petitioner submitted that the name of petitioner surfaced in

present case during the course of investigation on the basis of



confessional statement of co-accused Manti Devi, where no incriminating material recovered/surfaced during the course of investigation to connect this petitioner with present occurrence.

6. It is submitted that as petitioner found involved in 13 cases of similar nature, her name also implicated with present case only on the basis of suspicion arises out of those criminal antecedents, wherein also in almost all cases, name of petitioner surfaced on the basis of confessional statement, as of the present case.

7. In this context, it is pointed out that merely on the basis of criminal antecedent, bail of the petitioner cannot be denied, if the merit of the case otherwise convincing and the balance of same appears *prima-facie* in favour of the petitioner. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court, as available through **Prabhakar Tewari Vs. State of Uttar Pradesh and Another**, reported as [(2020) 11 SCC 648], where it was held that criminal antecedents are not the sole criteria for rejecting the bail of petitioner.

8. 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.

9. Learned A.P.P. for the State opposes the prayer of bail of the petitioner.

10. Considering the facts and circumstances as mentioned above, as save and except confessional statement of co-accused no incriminating material recovered/surfaced to connect this petitioner 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, accordingly, petitioner, above named, is directed to be released on bail 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 in connection with Nawada P.S. Case No. 375 of 2021, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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